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JOURNAL

ASSEMBLY

STATE OF NEW YORK

SIXTY-THIRD SESSION

1915-1916  
JANUARY 13, 1915





JOURNAL  
OF THE  
ASSEMBLY

OF THE  
STATE OF NEW-YORK,

AT THEIR  
SIXTY-EIGHTH SESSION,

BEGUN AND HELD AT THE CAPITOL, IN THE CITY OF ALBANY,  
ON THE SEVENTH DAY OF JANUARY, 1845.



ALBANY :  
CARROLL AND COOK, PRINTERS TO THE ASSEMBLY.

.....  
1845.





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JOURNAL OF THE ASSEMBLY.

STATE OF NEW-YORK :

Assembly Chamber, in the City of Albany,

TUESDAY, JANUARY 7, 1845.

PURSUANT to the fourteenth section of article first of the Constitution of this State, the gentlemen whose names are given in the following list, with the exception of those marked with an asterisk, appeared in the Assembly chamber. The said list contains the names of the representatives in assembly for the current year.

*From the City and County of Albany.*

Ira Harris,  
Clarkson F. Crosby,

Leonard Litchfield.

*From the County of Allegany.*

John G. Collins,

Nathaniel Coe.

*From the County of Broome.*

Cyrus Johnson.

*From the County of Cattaraugus.*

Seth Field,

Roderick White.

*From the County of Cayuga.*

William Titus,  
Leonard Searing,

David Gould.

*From the County of Chautauque.*

Samuel A. Brown,  
Jeremiah Mann,

Henry C. Frisbee.

*From the County of Chemung.*

Peter M'Key.



*From the County of Chenango.*

Solomon S. Hall, Joel Burdick.  
Charles B. Miller,

*From the County of Clinton.*

Noyes P. Gregory.

*From the County of Columbia.*

Elijah Bagg, Peter I. Bachman.  
William M. Bunker,

*From the County of Cortland.*

John Pierce 2d, George J. J. Barber.

*From the County of Delaware.*

John M'Donald, Linus Porter.

*From the County of Dutchess.*

Freeborn Garretson, Walter Sherman.  
Epenetus Crosby,

*From the County of Erie.*

Daniel Lee, John T. Bush.  
Truman Dewey,

*From the County of Essex.*

John C. Hammond.

*From the County of Franklin.*

Hiram Horton.

*From the Counties of Fulton and Hamilton.*

Garrett A. Newkirk.

*From the County of Genesee.*

Chester Hannum, Aaron Long.

*From the County of Greene.*

Gerret W. Sager, Deliverance B. Hervey.

*From the County of Herkimer.*

William C. Crain, Alexander H. Buell.

*From the County of Jefferson.*

Edward S. Salisbury, Lysander H. Brown.  
Azel W. Danforth,

*From the County of Kings.*

Richard L. Wyckoff, Daniel D. Wynant.

*From the County of Lewis.*

Dean S. Howard.

*From the County of Livingston.*

John Young, Harlow W. Wells.

*From the County of Madison.*

Stephen G. Sears, William Smith.  
\*John I. Walrath,

*From the County of Monroe.*

John M'Vean, Isaac T. Raymond.  
William C. Bloss,

*From the County of Montgomery.*

Peter H. Fonda, John L. Bevens.

*From the City and County of New-York.*

|                             |                      |
|-----------------------------|----------------------|
| David E. Wheeler,           | Eli C. Blake,        |
| Roderick N. Morrison,       | Jacob L. Fenn,       |
| William S. Ross,            | Severn D. Moulton,   |
| Thomas H. Oakley,           | James Jarvis,        |
| Abraham G. Thompson junior, | Frederick E. Mather, |
| Harvey Hunt,                | John J. R. De Puy.   |
| John Culver,                |                      |

*From the County of Niagara.*

John Sweeney, Levi F. Bowne.

*From the County of Oneida.*

Horatio Seymour, Calvert Comstock,  
Andrew Billings, Merit Brooks.

*From the County of Onondaga.*

David Preston, Julius C. Kinne  
Dennis M'Carthy, Lake I. Tefft.

*From the County of Ontario.*

Alvah Worden, Timothy Buel junior.  
Israel Huntington,

*From the County of Orange.*

John Brooks, Richard M. Tuthill junior.  
Thornton M. Niven,

*From the County of Orleans.*

Gardner Goold.

*From the County of Oswego.*

Thomas Skelton,

Luny Thayer.

*From the County of Otsego.*

Franklin B. Carpenter,

Christopher D. Fellows.

Harry G. Harden,

*From the County of Putnam.*

Benjamin Bailey.

*From the County of Queens.*

Elbert F. Jones.

*From the County of Rensselaer.*

William H. Van Schoonhoven, Ryer Heermance.

Harry Betts,

*From the County of Richmond.*

Peter Mersereau.

*From the County of Rockland.*

Joseph P. Brower.

*From the County of St. Lawrence.*

John L. Russell,

Asa L. Hazelton.

*From the County of Saratoga.*

William Wilcox,

Edward Edwards.

*From the County of Schenectady.*

William Gifford.

*From the County of Schoharie.*

Henry Tibbets,

Seymour Boughton.

*From the County of Seneca.*

Robert L. Stevenson.

*From the County of Steuben.*

Jacob Van Valkenburgh,

Ansel C. Smith.

William C. Rogers,

*From the County of Suffolk.*

\*John H. Dayton,

Darling B. Whitney.

*From the County of Sullivan.*

Harvey R. Morris.

*From the County of Tioga.*

Gideon O. Chase.

*From the County of Tompkins.*

Lyman Strowbridge,

Sherman Miller.

*From the County of Ulster.*

Irwin Pardee,

Reuben H. Hine.

*From the County of Warren.*

James Cameron.

*From the County of Washington.*

John Stevenson,

James Rice.

*From the County of Wayne.*

Alanson M. Knapp,

John J. Dickson.

*From the County of Westchester.*

I. Anthony Constant,

Thomas R. Lee.

*From the County of Wyoming.*

Leverett Spring,

Andrew W. Young.

*From the County of Yates.*

Ezekiel Casner.

The members were called to order by James R. Rose, Esq., Clerk of the last House of Assembly.

The Hon. Samuel Young, Secretary of State of the State of New-York, who was in attendance in the Assembly chamber, administered to the members present the oath of office prescribed by the sixth article of the Constitution of this State.

The members then proceeded to choose by ballot a Speaker, Mr. T. R. Lee and Mr. Coe acting as tellers; and the ballots having been taken and counted, it appeared that Horatio Seymour had received sixty-four votes, that John Young had received forty-four votes, that David E. Wheeler had received sixteen votes, that H. J. Seymour had received one vote, and that there was one blank vote.

Mr. Seymour having received a majority of the whole number of votes cast, was declared to be duly elected; and on being conducted to the chair by Mr. Crain and Mr. Worden, he delivered the following address, to wit:

GENTLEMEN,

I return you my sincere thanks for the honor you have conferred upon me in electing me Speaker of the Assembly. I shall endeavor on my part faithfully and impartially to perform the duties of the station you have assigned me.

The duties of the Chair are sometimes delicate and embarrassing. Many of the subjects upon which you will be called to legislate are not only of great importance to the interests of the community, but they are frequently connected with the political discussions of the day. Having recently passed through an exciting election, these subjects will naturally give rise to animated debates. The decisions of the Chair respecting the somewhat intricate rules of parliamentary law, may at times appear erroneous to those engaged in such discussions. But actuated by a sincere desire to perform my duties impartially and correctly, I shall rely with confidence upon the appreciation on the part of members, of the motives which govern me, although they may dissent from my conclusions.

The rules which you will adopt for the regulation of your proceedings, will, without doubt, conform substantially to those which have heretofore existed in this body. They are the results of experience, and are well adapted to facilitate business, while at the same time they furnish sufficient guards against hasty and immature legislation. Having witnessed the evils which result from a departure from these rules, and knowing that there will naturally be a desire on the part of members to hasten the passage of those bills in which they may feel a particular interest, by dispensing with some of these requirements, permit me to recommend to the House the propriety of adhering to them in all cases. By doing so, the public interests will be best subserved, and the rights of each member more securely guarded. As these rules will be of your own adoption, I shall feel myself bound to enforce them with strictness and impartiality, and shall at all times rely with confidence upon the co-operation and assistance of the House in the performance of the duties of the Chair.

Mr. Constant offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That James R. Rose be, and he is hereby appointed Clerk of this House.

Mr. Coe moved to amend the said resolution, by striking out the name of James R. Rose, and inserting that of George W. Weed.

Mr. Speaker put the question whether the House would agree to the said amendment, and it was determined in the negative.

|   |      |    |   |
|---|------|----|---|
| } | AYES | 44 | } |
| } | NAYS | 72 | } |

The ayes and nays being required by ten members,



Those who voted in the affirmative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Barber       | Mr. Garretson  | Mr. Raymond         |
| Mr. Betts        | Mr. Giffard    | Mr. Rice            |
| Mr. Bloss        | Mr. G. Goold   | Mr. Sherman         |
| Mr. Bowen        | Mr. Hammond    | Mr. Spring          |
| Mr. S. A. Brown  | Mr. Hannum     | Mr. J. Stevenson    |
| Mr. T. Buel      | Mr. Harris     | Mr. Sweeney         |
| Mr. Bush         | Mr. Heermance  | Mr. Tibbetts        |
| Mr. Casner       | Mr. Horton     | Mr. Van Schoonhoven |
| Mr. Coe          | Mr. Huntington | Mr. Wells           |
| Mr. Collins      | Mr. Johnson    | Mr. White           |
| Mr. C. F. Crosby | Mr. D. Lee     | Mr. Wilcox          |
| Mr. E. Crosby    | Mr. Litchfield | Mr. Worden          |
| Mr. Edwards      | Mr. Long       | Mr. A. W. Young     |
| Mr. Field        | Mr. M'Vean     | Mr. J. Young        |
| Mr. Frisbee      | Mr. Mann       |                     |

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Those who voted in the negative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. Gregory      | Mr. Preston         |
| Mr. Bagg        | Mr. Hall         | Mr. Rodgers         |
| Mr. Bailey      | Mr. Harden       | Mr. Ross            |
| Mr. Bevins      | Mr. Harvey       | Mr. Russell         |
| Mr. Billings    | Mr. Hazeltine    | Mr. Sager           |
| Mr. Boughton    | Mr. Hine         | Mr. Salisbury       |
| Mr. J. Brooks   | Mr. Howard       | Mr. Searing         |
| Mr. M. Brooks   | Mr. Jones        | Mr. Sears           |
| Mr. Brower      | Mr. Kinne        | Mr. Seymour         |
| Mr. L. H. Brown | Mr. Knapp        | Mr. Skelton         |
| Mr. A. H. Buel  | Mr. T. R. Lee    | Mr. A. C. Smith     |
| Mr. Bunker      | Mr. M'Carthy     | Mr. W. Smith        |
| Mr. Burdick     | Mr. M'Donald     | Mr. R. L. Stevenson |
| Mr. Cameron     | Mr. M'Key        | Mr. Strowbridge     |
| Mr. Carpenter   | Mr. C. B. Miller | Mr. Tefft           |
| Mr. Chase       | Mr. S. Miller    | Mr. Thayre          |
| Mr. Comstock    | Mr. Morris       | Mr. Thompson        |
| Mr. Constant    | Mr. Morrison     | Mr. Titus           |
| Mr. Crain       | Mr. Newkirk      | Mr. Tuthill         |
| Mr. Danforth    | Mr. Niven        | Mr. Van Valkenburgh |
| Mr. Dickson     | Mr. Oakley       | Mr. Walrath         |
| Mr. Fellows     | Mr. Pardee       | Mr. Wheeler         |
| Mr. Fonda       | Mr. Pierce       | Mr. Whitney         |
| Mr. D. Gould    | Mr. Porter       | Mr. Wyckoff         |

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Mr. Morrison moved to amend the said resolution, by striking out the name of James R. Rose, and inserting that of Edward Prince.

Mr. Speaker put the question whether the House would agree to the said amendment, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree  
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to the said resolution offered by Mr. Constant, and it was determined in the affirmative.

Whereupon Mr. Rose took and subscribed the constitutional oath of office, and entered upon the discharge of his official duties.

On motion of Mr. Hardin,

*Resolved*, That David B. Groat, of the county of Otsego, be, and he is hereby appointed Sergeant-at-arms to this House.

On motion of Mr. M'Donald,

*Resolved*, That Elbridge B. Fenn be, and he is hereby appointed Doorkeeper of this House.

On motion of Mr. Fonda,

*Resolved*, That Israel B. Neahr be, and he is hereby appointed Assistant Doorkeeper of this House.

On motion of Mr. Van Valkenburgh,

*Resolved*, That Isaac C. Sheldon be, and he is hereby appointed Second Assistant Doorkeeper of this House.

On motion of Mr. M'Key,

*Resolved*, That the several clergymen residing in this city, and having charge of congregations, be invited to attend and officiate during the session as chaplains, so far as to open the daily sittings with prayer, in such order as may be most convenient for themselves ; and that the Clerk of this House be instructed to carry this resolution into effect.

On motion of Mr. Crain,

*Resolved*, That a committee of two be appointed by the Chair to wait upon the Governor, and inform him that this House is organized, and ready to proceed to business.

*Ordered*, That Mr. Crain and Mr. Whitney be such committee.

On motion of Mr. Sweeney,

*Resolved*, That a committee of two be appointed by the Chair to wait upon the Honorable the Senate, and inform that body that this House is organized, and ready to proceed to business.

*Ordered*, That Mr. Sweeney and Mr. T. R. Lee be such committee.

Mr. Niven offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the rules and orders of the last Assembly be adopted as the rules and orders of this House, until otherwise ordered ; and that the subject be referred to a committee of five members, to be appointed by the Speaker, to prepare and report rules for the further government of this House.

Mr. T. R. Lee moved to amend the said resolution, by striking out all after the word "ordered."

Mr. Speaker put the question whether the House would agree to the amendment, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

*Ordered*, That Mr. Niven, Mr. T. R. Lee, Mr. Van Valkenburgh, Mr. Boughton and Mr. Sweeney, be such committee.

On motion of Mr. Comstock,

*Resolved*, That the Clerk furnish each of the members of this House with such newspapers as they may respectively direct, not

exceeding the cost of two daily papers ; and that the expense thereof, including postage, be paid out of the contingent fund of the house.

A message from the Senate, delivered by Mr. Sherman and Mr. Folsom, was received, informing that they were appointed a committee to announce to this House that the Senate had met, and were ready to proceed to business.

Mr. Crain, from the committee appointed to wait upon the Governor, and inform him that this House was organized and ready to proceed to business, reported that the committee had discharged that duty, and that his Excellency was pleased to say that he would communicate with this House by message.

Mr. Sweeney, from the committee appointed to wait upon the Senate, and inform them that this House was organized and ready to proceed to business, reported that the committee had discharged that duty.

On motion of Mr. L. H. Brown,

*Resolved*, That until the further order of this House, it will assemble every morning (except on Sundays) at eleven o'clock.

A message from the Governor, delivered by his Private Secretary, was received and read, in the words following, to wit :

## TO THE SENATE AND ASSEMBLY.

### FELLOW-CITIZENS :

The Constitution makes it my duty to communicate to you the condition of the State, and to recommend such matters for your consideration as I shall judge expedient.

The great and diversified interests of the State demanding legislative supervision, protection and aid, impose a vast responsibility upon the Legislature ; while, to present the condition so fully to you as to facilitate your labors, accompanied with recommendations calculated to lead you to wise and just conclusions, is a task not less responsible. It is one upon which I enter with diffidence, and yet I make the attempt cheerfully, feeling that the duty has been assigned to me by a constituency always indulgent to honest effort and upright intention, and which never demands from a public servant more than, thus aided and directed, he is able to perform.

The great and leading subjects of legislation are so intimately connected with the state of our finances, as to render it proper to examine first the financial condition of the State.

Our revenues are large, and should be ample for a State having only the expenses of its internal government to meet. If they prove unequal to our necessities, the inference will be almost unavoidable that errors now exist, or have existed, in our financial policy and legislation.

A general view of the current annual revenues of the State, taken together, according to the receipts of the fiscal year, ending on the 30th day of September last, is as follows :

The total amount of receipts on account of the General Fund, including the whole of the State tax, of one mill on the dollar, and deducting the sum received for temporary loans, was \$1,073,249 01

Carried forward,....

|  |                          |                       |
|--|--------------------------|-----------------------|
|  | Brought forward,.....    | \$1,073,249 01        |
| The entire revenues of the Canal Fund, including all the receipts for tolls, water rents and interest, for all the canals, were, ..... |                          | 2,350,615 94          |
| The revenues of the School Fund proper, were....   |                          | 133,826 51            |
| The revenues of the Literature Fund were .....   |                          | 18,490 34             |
| The revenues of the United States Deposit Fund, after deducting \$106,412.55, transferred from revenue to capital, were.....           |                          | 237,304 25            |
|  | Making a total of, ..... | <u>\$3,813,486 05</u> |

Various other funds which produce revenue, in the form of interest upon moneys invested, will be found mentioned in the fiscal reports, such as the Bank Safety Fund, various special sinking funds, the Mariners' Fund, and the like, all of which are, in their character, trusts in the hands of the State for specified objects, in no way connected with the revenues and expenditures of the State government.

The revenues before enumerated are those which enter into the annual expenditure of the State, and constitute the means for those expenditures, and they are the whole of such means annual in their nature, as ascertained by the actual receipts of the last fiscal year. Some portions of these revenues, with the funds from which they are derived, are pledged by the Constitution to particular objects, and are beyond the power of the Legislature for any other application. Such is the entire capital of the Common School Fund proper, and its revenues. The capital is made "a perpetual fund, the interest of which shall be inviolably appropriated and applied to the support of common schools throughout this State." So the tolls collected upon the Erie and Champlain canals, with the fund properly denominated the Canal Fund, are constitutionally pledged for the payment of the interest and the redemption of the principal of the debt contracted for the construction of those canals. Other of these revenues are by permanent laws, appropriated to specific objects. Such is the Literature Fund, the revenues of which are expended in aid of the incorporated academies of the State. The revenues of the United States Deposit Fund also, are by a permanent law, appropriated to objects of education or specified charities; and whatever changes may be thought expedient or just, in the distribution of the fund to the specified objects, it is not supposed that a diversion of these revenues to any other general class of objects of expenditure, will be contemplated.

This presentation of all the revenues of the State collectively, with a brief explanation as to the portions specifically set apart by the Constitution or the laws, for exclusive application to particular objects, it is hoped may enable those not minutely acquainted with our financial arrangements the better to understand, upon a separation of the various parts, how far means are in fact within the disposition of the Legislature for general and miscellaneous objects of expenditure. The entire amount of revenue from the five funds as before present-



|   |                  |
|---|------------------|
| ed, is.....   | \$3,813,486 05   |
| Deduct from that aggregate the revenues of the School Fund proper, constitutionally pledged to the support of common schools, .....   | \$133,826 51     |
| The revenues of the Literature Fund appropriated by law in aid of academies, .....  | 18,490 34        |
| The revenues of the United States Deposit Fund, appropriated by law to common schools, academies, colleges, and other purposes of education, and the New-York Eye Infirmary, .. | 237,304 25       |
|   | <hr/> 389,621 10 |
| And there will remain, .....  | \$3,423,864 95   |

This balance comprises the revenues of the General Fund and of the Canal Fund, embracing all the revenues from all the canals, as well as from the Canal Fund proper. The part of this sum comprising the revenues of the General Fund, as will be seen, is .....

|   |                |
|---|----------------|
| is .....  | \$1,073,249 01 |
| This, however, embraces the whole of the State tax, while by the first section of the "Act to provide for paying the debt and preserving the credit of the State," passed 29th March, 1842, one-half of it, after the year 1842, is to be paid to the Commissioners of the Canal Fund for the use of the canals; and there was so paid, in pursuance of this provision, during the last fiscal year, the sum of ..... | 278,197 56     |

|  |                    |
|--|--------------------|
| Thus leaving of these revenues applicable to calls upon the General Fund, the sum of .....   | \$795,051 45       |
| The payments made from the Treasury, chargeable to this fund, during the last fiscal year, excluding the payments on account of temporary loans, and also the payment to the Canal Fund of half of the mill tax, as before stated, were, ..... | 1,003,753 43       |
|  | <hr/> \$208,701 98 |

Thus showing that the receipts into the Treasury on account of the General Fund, from all sources, are less by \$208,701.98, than the sums charged upon the same fund and paid from the Treasury for the last fiscal year.

This is a comparison of the whole amount of the annual revenues of the General Fund, including all receipts of a miscellaneous character, with the annual permanent charges upon it, and also all payments authorized by special acts of the Legislature, as well as temporary and miscellaneous expenses.

There was an apparent balance in the Treasury at the close of the



fiscal year, of \$99,737.26, which, so far as it is available, would diminish the deficit before stated in the receipts of the General Fund. This balance, however, included the sum of \$84,358.15, paid to this State out of the proceeds of the sales of the public lands of the United States, under a law of Congress, and placed in the Treasury by the Governor, to whom the payment was made; but which has never been brought into the accounts of the General Fund, or any other of the funds of the State, because the Legislature has directed no disposition and authorized no application of the money. It has remained in bank by a special contract with the Treasurer, at a stipulated interest. If this sum be deducted from the above balance in the Treasury, there will remain only \$15,379.11, as the real available balance applicable to demands against the General Fund. If this sum be deducted from \$208,701.98, the deficit in the revenues of the General Fund as before stated, it still leaves a deficit of \$193,322.87.

By the fifth section of the "Act to regulate the accounts between certain funds belonging to this State," passed 25th May, 1841, the Commissioners of the Canal Fund are directed to pay to the Treasury, on or before the 30th day of September in every year, from the canal revenues, the sum of \$200,000. Only one half of this sum has been paid for the use of the General Fund for the last year, the other half having been withheld to make up losses in the fund pledged for the payment of the Erie and Champlain canal debt, occasioned by the insolvency of certain banks which had loans from the Canal Fund. Hereafter the whole sum of \$200,000 will be annually paid from the surplus revenues of the Canal Fund, for the use of the General Fund. But, with the whole of this appropriation, one half of the State tax, and all its revenues, permanent and miscellaneous, the General Fund, as is shown by the foregoing statement, is wholly inadequate to meet the annual demands upon it.

A further and most important consideration connected with this fund, is the heavy debt charged upon it. This debt is \$5,634,507.68. This is the amount of the positive, unconditional debt charged upon the fund, the annual interest upon which is \$310,499.69, and comprises one of the heaviest items of permanent charge upon its revenues. The debt has been increased by the sum of \$211,092.35, within the last fiscal year; thus showing that the revenues of the fund, with but half of the mill tax, so far from presenting a surplus beyond the annual expenses chargeable upon the fund, are, in fact, deficient, and that the debt continues to augment. More than three-fifths of this debt was contracted by loans of the credit of the State to railroad incorporations, which have wholly failed, and thrown the amount upon the General Fund. Without the debt, the present revenues of the fund would be ample to meet the charges upon it, and would authorize the Legislature moderately to increase those charges, when the public interest should be found to require it; but with it, and its constantly accruing interest, the charges upon the fund must be diminished, or its revenues increased, to prevent a constant annual augmentation of the debt.

True economy, as well as sound policy, require the arrest of this process. A portion of the revenues of this fund, more than equal to

all the aid it derives from the mill-tax, is now annually consumed in the payment of interest alone, upon this increasing debt. Such an expenditure, while it makes taxation perpetual, works no public benefit. The money passes from the pockets of the citizens, through the hands of the tax-collector, to the pocket of the public creditor, with the loss to the former of the expenses of collection, only that the process may be repeated with the same loss, as regularly as time shall bring around the seasons; and still the demand is undiminished, the weight of the load unmitigated. To reverse this action is the only remedy for the evil. The revenues should be brought to meet the annual expenditures, and leave a balance to wear upon the debt, and then each payment of the tax will bring with it hope and encouragement. The third subdivision of section 2, of the act imposing this tax, looks to its discontinuance, after the present year, through an ability in the revenues of the fund to meet and extinguish the debt, without its further aid; but that expectation cannot be realized, while the debt is increasing against the power of these revenues, the tax included.

There is also a contingent debt hanging over this fund, amounting to \$1,920,000. This is for loans of the credit of the State to canal and railroad incorporations, which have hitherto fulfilled their obligations, by making the payments of interest. It is hoped they will be prepared for the reimbursement of the principal at the day. This contingent liability presents another reason for strengthening the condition of the General Fund, and taking prompt measures for the gradual extinguishment of its present increasing debt.

After deducting the revenues of the School, Literature, and United States Deposit Funds, from the aggregate amount of the revenues of the five funds, the balance remaining was..... \$3,423,864 95

Those of the General Fund having been examined,  
may now be separated. They are ..... 1,073,249 01

And the revenues of the Canal Fund will remain .. \$2,350,615 94

The expenses charged upon and paid out of the revenues of this fund for the last fiscal year, were . 1,777,970 59

Leaving a surplus, over and above the expenses,  
chargeable upon the canals and the Canal Fund,  
for the fiscal year, of..... \$572,645 35

Included in these expenses are the \$100,000 paid to the Treasurer for the use of the General Fund, and \$100,000 paid on account of losses of the fund pledged for the payment of the canal debt, and \$1,031,123.16, for interest upon that debt, making together the sum of \$1,231,123.16, and leaving \$546,664.86, as the expenses of the canals, included in the sums refunded on tolls, and for rents of surplus water from the Oswego canal. The above charge for interest does not include the interest upon the balance unpaid of the old Erie and Champlain canal debt, that being met by the interest upon the funds set apart and invested for the payment thereof.

By the twelfth section of the act of 1842, "the surplus canal revenue, after paying all just canal current expenses, and the interest on the canal debt, and the payment aforesaid to the General Fund, shall, to an amount at least equal to one-third of the interest of the canal debt remaining unpaid, be sacredly devoted and applied as a sinking fund to the redemption of the canal debt now existing and authorized by this act, and shall not be diverted from that object to any other purpose whatsoever."

Such is the language of this law, and such the express pledge it contains, touching the surplus of the canal revenues of the last fiscal year. If the amount of annual interest on the canal debt, as it existed at the close of the fiscal year, \$1,126,397.90, be the correct amount from which to measure the extent of the pledge, and if it be construed with technical strictness to extend no farther than the one-third of that interest, then the portion of this surplus to pass to the Sinking Fund is \$375,465.96, leaving a surplus for the last fiscal year, beyond the amount pledged to the Sinking Fund, of \$197,179.39.

The Canal Fund, however, as well as the General Fund, are burdened with a heavy debt, and it remains to be seen, whether the obligations of this debt, must not as effectually control the discretion of the Legislature, in the application of this surplus money, as any pledge which the law of 1842 could have imposed upon it. The interest of this debt, it is true, is carefully provided for by that law. This, without any provision for the extinction of the principal may be satisfactory to some, but such is not my view of the rule which binds the faith and honor of the State. I know of no obligation to meet the accruing interest, which does not demand, with equal force, the payment of the principal as it falls due; and so far as the means are possessed, the failure to apply them, in the one case, appears to me to be as much a breach of the faith pledged by the contract, as in the other. Suppose the creditor consent to the postponement of the payment of his principal money. Between individuals acting for themselves as principals, such consent would authorise the diversion of the funds; but if the agent of the debtor were dealing with the creditor in person, would such consent justify the agent, without the sanction of his principal, in the diversion of the funds placed in his hands to pay the debt? And is not this our case? Are we not the mere agents of the people in this matter? They have permitted debts to be contracted upon their credit, and at their risk, to construct the present State canals. The moneys in our hands are the proceeds of the investments thus made, and came from the very source upon which they relied to pay these debts, and save them from oppressive taxation. Have we the right, as faithful agents, without the consent of our principals, even though their creditors should consent, to divert their funds to other objects, and continue the debt upon them? I strongly incline to the opinion that we have not.

By a statement of the canal debt, furnished by the Canal Department, it appears that the whole amount unpaid on the 30th day of September last was \$20,713,905.58. This includes the old Erie and



Champlain Canal debt of \$1,380,250.35, for the payment of which, funds have been already set apart, believed to be more than sufficient to cancel it. The portion of the funds so set apart, considered available, amounts to \$1,496,306.45, being \$116,056.10 beyond the principal of the debt to be paid, and probably more than sufficient to meet the principal and interest. I am informed by the Commissioners of the Canal Fund, that the holders of this old stock have been personally notified that the money is ready for the redemption of the principal, and that payment will be made on the day it falls due. It is the intention of the Commissioners to place the funds in the bank, where the stock is transferable, and where the interest is paid, before the day of payment, which is the first day of July next, and the notice given to the holders informs them that interest will cease on that day.

This is the last of the Canal debt, upon which the constitutional pledge rests, and it may become material, in the course of your legislation, to consider whether, when these steps shall have been taken, that pledge may not be considered, both in principle and in fact, fully redeemed.

The statement of the canal debt, before referred to, shows that the whole amount of canal stocks redeemable in July and January next, is \$3,742,626.01. This includes the sum of \$1,380,090.35 of the old debt, the redemption of which is provided for in the manner above specified, leaving \$2,362,535.66 reimbursable in January 1846, for the payment of which the moneys are not yet fully provided.

The Sinking Fund provided for by the twelfth section of the law of 1842, has received the contributions required to be made to it, so far as the Canal revenues have furnished the means, although it is believed that the surplus for the years 1842 and 1843 did not equal the one third of the accruing interest upon the debt.

Carrying the whole surplus of the last year to that fund, with the whole \$278,197.56 paid from the Treasury as the proceeds of the State tax, and the fund, including the accumulations of interest computed at five per cent, amounts to \$1,195,102.01, an aggregate sum more than equal to one-third of the interest on the debt for the last three years, and is supposed to be available to meet the payment of that amount of the stocks before alluded to. This will leave \$1,167,433.65 unprovided for, any farther than there may be a surplus of the funds set apart to redeem the old debt, which can be applied to this object, and the accruing canal revenues of the current year may yield a surplus also thus applicable.

The third subdivision of the eleventh section of the act of 1842 provides that the contributions from the State tax to the Canal Fund shall cease, whenever the annual revenue from the State canals, ascertained in the manner pointed out by that act, shall exceed the expenditures upon the canals, the interest upon the canal debt, and the payment to be made to the General Fund, by more than one-third in amount of the annual interest upon the canal debt. The revenues of the last fiscal year have produced that excess, as has been before seen, and have surpassed it; and consequently the collection of the entire mill tax, for the current year, must enure to the benefit of the

General Fund, and, after the current year, the collection of that half of the tax, imposed for the use of the canals, is to cease. Nothing further, therefore, is to be realized from this source, to aid in the redemption of the canal stocks.

If this be a correct representation of the means and liabilities of the Canal Fund for the current year, there would seem to be an end to discussion as to the appropriation of these means to any other object than to the payment of the debt unless the payment is to be postponed. I have already expressed my views in relation to such a diversion; and I am constrained to believe that, whether considered as a question of principle, or one of economy the policy would be equally unsound.

Our canal revenues are very large, and nothing but the enormous debt charged upon them, keeps the fund so poor as to require the aid of direct taxation to meet its liabilities. Separate from the old debt, more than one million annually of these revenues are consumed in the payment of interest alone. This must be a constant drain upon the fund, and nothing but the payment of the debt can arrest the corroding malady. Postponement can promise no relief, and may bring accumulated dangers.

A departure from the sound rule of using our means rather than our credit, has brought this debt upon our favorite and favored fund. The only necessarily dangerous stage in our canal policy was passed, when the Erie and Champlain canals were completed and became productive; and a sound and wise financial policy, faithful administration, and most fortunately located canals, carried us through that stage with safety. Up to that period, borrowing was necessarily the principal resource, and some of the richest revenues of the State were set apart to meet the payments of interest, while the Constitution of the State was made to pledge the investments, together with these revenues, for the return of the principal. And even under all these safeguards, loans were made with moderation, and the works were prosecuted in a measured pace. After they were completed, payment of the debt became the object of solicitude, and means were accumulated and the stocks purchased and cancelled, in advance of their falling due, when they could be obtained on reasonable terms.

In the mean time, other canals were constructed, but the expenditures were kept within the limits of the canal revenues, without losing sight of ample provision for the payment of the existing debts. As an evidence of this, before the policy was changed, the payment made and the moneys accumulated applicable to those payments, had left less than five millions of the canal debt unprovided for. The surplus revenues of the canals were accomplishing much annually towards the construction of new canals, and the enlargement and improvement of the old, and still yielding their annual contributions to a Sinking Fund, intended to remove the small remaining debt, as the principal should fall due.

In this state of things a change of policy came over us, which was based upon a new financial rule of action. The existing revenues were looked upon merely as a fund to meet the interest upon further



loans ; it being assumed as safe to depend upon anticipated improvements of those revenues for the payment of the principal of the debts. Indeed it is believed the principle was carried even farther, and that anticipated revenues were depended upon, to meet accumulations of interest, beyond the power of the existing revenues, as well as to cover the payments of principal.

The reflection does not seem to have occurred to the authors of this new financial policy, that any disappointment in their anticipations of improved revenues must give their system a shock it could not survive, by imposing a tax upon the people, or disappointment and loss upon the public creditors, either of which alternatives could not fail to arrest the further accumulation of debt upon such a basis. It would seem also to have been overlooked, that the money lender could draw as accurate a distinction as themselves between their means and their anticipations, and that when the means should have been exhausted, the anticipations might not command the required capital even to test their soundness, or their fallacy.

In any event, loans were obtained in unexampled amounts, until the limit of the existing revenues was reached, when the public credit wholly failed them. Works of internal improvement were prosecuted upon a scale so extensive as to bring the State into competition with itself, and the wages of labor and the cost of subsistence upon one contract were enhanced by the demand for labor and subsistence upon another. An arrest of the means by a failure of the credit of the State put an end to this strife and to the new public works together, and when a return to the old and safe policy was attempted, it was found that a large proportion of the moneys, which had been accumulated to meet the old canal debt, were rendered unavailable by having been loaned to banks which could not pay ; that the accruing surplus of the canal revenues, beyond the current annual expenses, was covered by claims for interest ; that the general fund must sink under the accumulated and accumulating demands upon it for interest upon public stocks loaned to railroad companies which had failed, or were in a failing condition ; that temporary loans had been made to the amount of more than a million and a half which were impending over the Treasury, without the means of payment, and that contractors and laborers upon the public works were without pay, or with the unmarketable stocks of the State in the place of the money to which their contracts entitled them.

The issue was therefore present and unavoidable. The people must be taxed, or the public creditors must suffer loss, and the public stocks be dishonored. A resort to the credit of the State was made unavoidable, to meet these urgent and instant demands, the accruing interest upon the enlarged debt, and to put the canals in repair for the approaching season of navigation. Public distrust had taken the place of public confidence, and a substitution of the paying for the borrowing policy was made indispensable, before a resort to credit could command a response in capital.

This was done by the act of 1842. The effect of this measure was almost electric, and was felt not merely throughout the State,

but throughout the Union. Under its solemn assurances money was obtained upon loan to relieve the pressing necessities of the public Treasury, and to preserve the public faith and honor, by a prompt payment, at the specie value, of the instalments of interest upon the public securities. From this time the credit of the State rose rapidly, and soon attained the par of money; and by the scrupulous adherence to the policy and the pledges of that law, which has characterized our subsequent legislation, it has now reached its accustomed honorable elevation.

We must not blind ourselves to the fact, however, that the recent disasters in the affairs of public and private credits, and especially connected with the credits of several states of the Union, have caused a distrust, a watchfulness, a sensitiveness, in reference to State credits, which will not permit of hazardous experiments. Our practice has been to pay at the day, both principal and interest, and such is the theory of finance upon which we have restored the credit of the State. If that theory shall be abandoned in practice, and the appropriate funds to pay the principal of the existing canal debt, as it falls due, shall be diverted to other objects of expenditure, and those payments be indefinitely postponed, can we hope that the credit of the State will remain unshaken? Have we any right to expect that the effect will be other than that so recently witnessed, when the attempt was made to substitute anticipated revenues for real means and a disposition to apply them, to maintain the public faith?

I am well aware that objects of expenditure, of great and extended public interest, will be pressed upon your attention, and will press themselves upon the minds and feeling of those whose immediate constituencies have a more direct interest in their resumption and completion. The Erie canal enlargement, the Genesee Valley canal, and the Black River canal are prominent among these objects, and deeply enlist the feelings and interests of large and worthy portions of our fellow-citizens. It would certainly be a more grateful task to recommend a compliance with these earnest wishes, than to feel impelled by a sense of public duty, to point out the necessity of their present disappointment. Yet we must not forget, when acting upon these great questions, that the interests of the citizens of the whole State are committed to our charge, and that a measure which would be wrong towards them, as a mass, cannot be right, because portions of the mass would be benefitted by it. And it would certainly be wrong to our citizens, as a whole, again to depress, or even to hazard, the credit of the State, by a diversion of any portion of the canal revenues required to pay the existing debt, and preserve the public faith. It would be wrong to them to disregard the letter, or spirit of the pledges of the law of 1842, and thus incur the risk of a necessity for increased, or longer continued, taxation.

Would such a policy be wise even in regard to these improvements, and the citizens more immediately interested in them? The surplus, which, as yet, can be so diverted, without an express infraction of the provisions of the law of 1842, is entirely too inconsiderable to make any useful progress with the works, and especially so, if it

must be divided among them. And it is not likely that those interested in either will consent that the money shall be diverted from the debt and also from their favorite improvement. In the mean time, the accumulations of interest upon the present large debt are exhausting the revenues which should be applied to the construction of further improvements, and nothing but a payment of the debt can discharge them from this profitless consumption. Will it not be more wise, to hasten the payment of this debt, and thus discharge these revenues from their incumbrances, and place at the disposal of the Legislature some ten or twelve hundred thousand dollars per annum, without a resort to credit, without a loss of interest, and without the danger of increased taxation? The recent experiment of hastening our public works has certainly shown us that such efforts may be unsuccessful, even in relation to enterprises undertaken by States as powerful as ours, and with a credit as strong and means as ample as those we possessed at the time our former prudent policy was abandoned.

Your immediate predecessors originated, according to the forms and requirements of the Constitution, various amendments to that instrument, which were duly published previous to the late election. These propositions will necessarily call for your further action in the constitutional form. Two of them bear particular relation to our financial affairs, and are therefore appropriate subjects for consideration in connection with the present discussion.

The first of these amendments proposes to give a constitutional sanction to the pledges and guaranties of the act of 1842. The second limits and restrains the power of the Legislature, by requiring that laws authorizing loans of money upon the credit of the State, except within the narrow limit of one million of dollars in the aggregate, or for the specified objects of repelling invasion, or suppressing insurrection, shall be submitted to the people and receive their express sanction, to give them the force of law. This amendment further provides that every such law shall propose a loan for a single object, or work, only, to be distinctly specified therein; shall impose and provide for the collection of a direct annual tax to pay the interest upon the loan proposed, as it falls due, and also to pay and discharge the principal sum borrowed within the period of eighteen years from the time the debt is contracted; shall be irrevocable until the debt, interest and principal shall have been fully paid and discharged; and that the moneys loaned under it shall be applied to the object or work named in the law, and to no other purpose whatever. It further provides that when a debt shall be contracted to repel invasion or suppress insurrection, the moneys borrowed shall be applied to those objects, or to the repayment of the debt so contracted, and to no other purpose whatever.

The recent free use of the public credit, in over-hastening loans for State works, and in lending to irresponsible corporations, the embarrassed condition of our finances, and the consequent call for direct taxation to restore public confidence, have doubtless given rise to these proposed amendments, as they did give rise to the law of 1842, which the first amendment proposes to surround by a constitutional sanction.



The manner in which that legislation was received by the people, although imposing a direct tax upon all their taxable property, as its first provision, the salutary influences it so promptly exerted upon public and private credit, and the triumphant manner in which its provisions and policy have been sustained by the people, whenever the wisdom and soundness of either have been brought in issue, at any subsequent election, presents a more forcible argument in favor of the first of these amendments, than any it would be in my power to offer.

The second is manifestly intended, as it appears to me to be wisely framed, to secure the people against a like hazard and loss for the future, and their credit from further over-use and constant depression. The provision requiring each law to provide for a loan for a single object only, is necessary to enable the freemen at the polls to form a distinct and satisfactory opinion upon the propriety of the contemplated expenditure, and to express that opinion in an intelligible and unequivocal manner. It strikes also effectually at one of the most universal causes of complaint and dissatisfaction growing out of the recent appropriations for our works of internal improvement. I refer to the charge, whether well or ill founded, that combinations of local interests are formed, on the part of the friends of different works having no natural or necessary connection with each other, and that, in this way, loans are authorized and appropriations secured, which the intrinsic merits and strength of no single work in the combination could command.

This amendment cannot fail to have a strong tendency also to mitigate, or entirely remove, another practical evil too often experienced in connection with this legislation. The legislature is always composed of members of the two great political parties which are ever striving for the mastery. The majority in the Legislature is very naturally, and to a great extent, very justly held responsible for the action and measures of the body. The minority will not be over solicitous to diminish this responsibility, resting, as it does, upon their political opponents, and may, at some times, at least as far as a sense of public duty will permit, be willing to increase it. To such a minority these applications for local improvements and expenditures present a temptation which the journals of the Legislature will show are not always resisted. The interests of a section of the State are involved. The application is pressed with the earnestness and feeling which personal and local interests are too likely to impart on such occasions. The majority is looked to as holding the power to make the grant desired, and the majority, *prima facie* at least, is responsible for the action. If defeat be certain, the minority, by its favorable vote, may conciliate and gain the interest, without hazard or injury to the public treasury. If the majority be divided, and the vote of the minority hold the power, the same opportunity is presented to gain the party advantage by the favorable vote, while the responsibility of the measure, when adopted, presumptively rests upon the majority, and may, at the worst, be made matter of debate between the political parties.

I intend no invidious reference to individuals, to political parties, or to particular measures, by these remarks. My sole object is to

point out what I believe to be an evil tendency and temptation, connected with legislation of this character, and to refer to this provision of the proposed constitutional amendments, as eminently calculated to remove them. If it be adopted, no contest can take place offering party advantage, as to the objects of expenditure to be embraced in any proposed law, or as to the amount which it shall appropriate ; and every member will be required to meet and justify his own vote, before his own constituents, whether he belongs to the majority or minority of the body ; because those constituents will be called upon directly to vote upon the same question.

The requirement that a tax shall be imposed by every such law, sufficient to meet the interest upon the loan to be made, is but preserving the same safe precaution which marked our early legislation of this character. Then the State possessed rich revenues which it could spare, and they, together with certain specified taxes, were pledged. Now, as has been seen, all its revenues applicable to these objects, are numbered to their full extent by existing debts, and the only pledge it can make to fortify and sustain its credit, is the one here proposed. This the citizen should understand at the time he votes upon such a law, and to make it certain that he will understand it, he should be called to vote for the tax as well as the loan. It may appear to some as going too far, to require that the tax should be sufficient to redeem the principal of the debts within a specified time, as well as to pay the current interest. If the object of expenditure be one not expected to yield revenue, then the provision is clearly right and absolutely necessary. If it be one from which a return of revenue is anticipated, and that anticipation be disappointed, as has been the case with most of the lateral canals, then the provision is equally right and necessary. And if the anticipated revenue be realized, then the debt will be sooner paid, and the tax imposed be but partially required, or collected ; while, in any event, the people will be protected from a load of unexpected debt and unforeseen taxation.

The pledge contained in the Constitution to secure the payment of the old canal debt, and protect the citizens and the property of the State from taxation for that purpose, is to be completely fulfilled, and practically, if not technically discharged during the present year. If that pledge was wise, it would seem to be equally as wise that another efficient barrier should be interposed between the tax payers of the State, and the unrestrained power of the Legislature to contract debts upon their credit and at their risk. That this power may be abused, we now know. That it has been abused, the people now feel ; and it cannot be a matter of surprise if they shall be found to demand protection against future abuses.

I am certainly as far from entertaining the disposition, as I am from claiming the right to pronounce to, or for you, what is public opinion upon any subject ; but so far as my observation and means of information enable me to speak, these proposed amendments have been very broadly and fully discussed before the people, during the late canvass, have taken deep hold of the public mind, and have been received with strong favor. It is not given to you to incorporate the pro-



visions in, and make them a part of, our Constitution. This is wisely left for the people themselves. Your action, if favorable, can only prepare the amendments for their final action ; and the reflection that, without your favorable co-operation, the people cannot, in the manner pointed out by the Constitution, express their will and choice upon these, to them very important propositions, will not fail to incline towards that reference the minds of all, whose judgments do not decidedly reject the proposed amendments.

Our present Constitution has remained the fundamental law for nearly a quarter of a century, several amendments having been, in that time, adopted in conformity with the provision of that instrument for its own amendment. Hitherto that provision has satisfied the public mind, and led to the amendments demanded by the popular feeling and judgment. I consider it extremely desirable that this should continue to be found practically true, and that such a degree of harmony shall, at all times, prevail between the popular will and the legislative action, in reference to further proposed amendments, as shall supersede demands for constitutional change in any other form. It is a matter of public notoriety, that a portion of our citizens have, for some time, thought, and still think, that a call for a convention to revise our Constitution, has already become expedient. I have been induced to believe that the desire for amendments upon the very points embraced in those now under discussion, and perhaps upon one or two others in reference to which, propositions are also now before you, has excited this feeling, and given it its present strength. I know that a further limitation of the power of the Executive over appointments to office is also a subject upon which many desire an amendment of the Constitution. Speaking personally, I hope I may be believed when I say that any curtailment in that branch of the executive powers and duties, while I am to be honored with the exercise of these high functions, would be most grateful to me ; and I am prepared further to say, that I believe many of the officers now appointed upon the nomination of the Governor, and the consent of the Senate, might be directly elected by the people, or otherwise appointed, with equal safety to the public, and more in accordance with the popular feeling. If the time shall come, however, when the requisite assent of the legislature shall fail to be obtained, to authorize a submission to the people of such propositions for amendments, as a clear majority of the freemen of the State shall demand, and believe to be necessary for the protection of their rights, discontents will be experienced, and other forms of amendment will be proposed and perhaps successfully urged. Under this conviction, I feel it to be an imperative duty, respectfully but earnestly to request you to give to these and all other proposed amendments which may come before you, such calm, unprejudiced and thorough consideration, as shall be calculated to satisfy our common constituents with the conclusions to which you shall come.

The instalments of the State debt, falling due after the present year, have not been brought into notice in the preceding exposition of the condition of the public funds. The last annual report of the Comp-

troller exhibits the times of payment of the whole debt, and will show that the amounts which become payable in 1846 and 1847 are comparatively small. This may enable the revenues of those years to meet those redemptions, and the unpaid balance of the present year; but the sums falling due in the following years are very large, exceeding five millions, and will require more than any surplus the present revenue can furnish, to preserve the public faith, by making these payments when due. A deferred stock has been suggested as a practicable mode of meeting these debts. To the extent that the current revenues, husbanded with the utmost economy, can furnish the means of payment, this course appears to me equally objectionable in principle and expediency. A deferred stock, to liberate revenues properly applicable to an existing debt, that they may be applied to other objects of expenditure, is the first and fatal step towards making debt perpetual.

In any view I am able to take of this portion of our financial affairs, I am constrained to believe that the application of the existing revenues to the existing debts, so far as the current expenses of the public service will permit, has become an imperious duty to the whole people, that the burden of the present State tax may be removed at the earliest practicable day, and that the danger of its recurrence may be obviated by a payment of the debts which have rendered it necessary. I also believe that true friendship for our system of internal improvements, and its safe and certain extension, equally require, and will demand, the most speedy payment of the canal debt, and the liberation of the present canal revenues from the wasting demands of interest now resting upon them. I recommend, therefore, that course of financial legislation, which shall make these the prominent objects of its policy.

Our financial condition is by no means desperate. The rapid accumulation of debt was arrested, before it had so far surpassed the power of our revenues as to render a return within the limits of a sound condition hopeless. The able expositions of 1842, and the sound legislation of that year, satisfied the people of this fact, and the taxation necessary to render this return safe and sure was cheerfully submitted to. The improvement of the revenues of the canals has already laid the foundation of a sinking fund, rendering the speedy reduction of that debt certain, if aided by the whole power of those revenues. Retrenchment of expenditures, it is hoped, may do something towards bringing the payments from the General Fund within its revenues; and the whole State tax, for the present year, will at least relieve it from the accumulation of further debt, and afford time for so strengthening its resources, or diminishing its expenses, as to give it power to commence the reduction of its heavy debt. The question submitted to us, therefore, is not that submitted to the Legislature of 1842, whether we will attempt to bring to order and soundness deranged finances, and restore a fallen credit; but whether, finding our financial condition substantially sound, and our credit high, we will maintain both in that desirable condition, and, as soon as it can be done consistently with these objects, relieve our whole people from the tax which the restoration of 1842 imposed upon them.

It is pleasant to turn from our funds thus loaded with debt, to the consideration of others annually dispensing their benefits, without any such incumbrances, to objects the most vital to republican institutions.

The productive capital of the Common School Fund was, on the 30th day of September last, \$1,992,916.35; and the revenues of the fund, received into the Treasury during the last fiscal year, amounted to \$133,826.51. This revenue is, by the terms of the Constitution, to be inviolably appropriated and applied to the support of common schools throughout the State. The School Fund was instituted by law in 1805, and the constitutional protection of the fund took effect on the first day of January, 1823.

It is worthy of remark that the revenues of this fund have at no time been anticipated, so as to charge a debt upon them, or upon its capital. If distributions to the common schools have been directed beyond the power of the revenues of the fund, as they sometimes have, the same law has always provided the means from which the excess was to be paid, so as to fix no debt upon the fund, or its revenues. The proceeds of the sales of five hundred thousand acres of the public domain of the State, were the first appropriation to this fund, and constituted its foundation.

The immense superstructure which has been reared, upon such a basis, and under such management, in a period of forty years, is shown by the following statistics, furnished by the Superintendent of Common Schools.

The number of school districts in the State, organized according to the school law, is 10,990, from 10,857 of which regular reports were received during the last year, showing that the average time, during which schools were kept open in these districts was eight months. The whole number of children between the ages of five and sixteen years, residing in the State, estimating those residing in the city of New-York at 80,000, was 696,548; and the whole number of children actually taught in the district schools of the State was 709,156, being more than 50,000 beyond the number taught during the preceding year.

The whole amount of money distributed from the Treasury of the State for the use of the common schools for that year, was \$275,000, and the amount actually paid during the year, for the wages of common school teachers, was \$992,222.03. The number of volumes reported as being in the school district libraries, was 1,038,396. These returns also show, that 37,531 scholars had been, during some portion of the year, in attendance upon private and select schools, out of the city of New-York, and it is estimated that at least an equal number were in attendance upon like schools in that city, making more than 65,000 children thus taught, not including those taught in the academies and other incorporated literary institutions.

I do not think it expedient to go more at large into the statistics of our common schools, in this communication, as they will be fully laid before you in the annual report of the Superintendent, and will be found to possess an intrinsic interest certain to command your most anxious attention.



These facts, however, present evidence both striking and satisfactory of the immense extent of public benefit, which revenues, moderate in amount, but unincumbered by debt and interest, may work out, in so limited a term of years. It is true the School Fund has from time to time been moderately aided in its annual distributions, from the Treasury, and that now and for several years past, it has received, and is now receiving, one hundred and sixty-five thousand dollars per annum from the interest of the United States Deposit Fund, a sum greater than its whole annual revenue. This authorizes the enlarged distribution directed by law to be now annually made for the benefit of the common schools.

No public fund of the State is so unpretending, yet so all pervading; so little seen, yet so universally felt; so mild in its exactions, yet so bountiful in its benefits; so little feared or courted, and yet so powerful, as this fund for the support of common schools. The other funds act upon the secular interests of society, its business, its pleasures, its pride, its passions, its vices, its misfortunes. This acts upon its mind and its morals. Education is to free institutions, what bread is to human life, the staff of their existence. The office of this fund is to open and warm the soil, and sow the seed, from which this element of freedom must grow and ripen into maturity, and the health or sickness of the growth will measure the extent and security of our liberties. The thankfulness we owe to those who have gone before us, for the institution of this fund, for its constitutional protection, and for its safe and prudent administration hitherto, we can best repay by imitating their example, and improving upon their work as the increased means placed in our hands shall give us the ability.

Few, if any instances are upon record, in which a fund of this description has been administered, and its bounties dispensed, through a period of forty years, with so few suspicions, accusations or complaints of the interference of either political or religious biases to disturb the equal balance by which its benefits should be extended to our whole population. This should continue as it has been. Our School Fund is not instituted to make our children and youth either partizans in politics, or sectarians in religion; but to give them education, intelligence, sound principles, good moral habits, and a free and independent spirit; in short, to make them American freemen and American citizens, and to qualify them to judge and choose for themselves in matters of politics, religion and government. Such an administration of the fund as shall be calculated to render this qualification the most perfect for the mature mind, with the fewest influences tending to bias the judgment, or incline the choice, will be the most consonant with our duties, and with the best interests of our constituents. Under such an administration, education will flourish most, and the peace and harmony of society be best preserved.

Our common school system has been so long a prominent subject of legislation, as to have become matured and perfected in many of its most important features. With it, our whole community are familiarly acquainted, and it is quite unnecessary for me to detain you by remarking upon it.



The subject of the proper education and qualifications of the teachers of common schools, is one of primary interest, as it has been found to be of prominent difficulty, in the execution of our school laws. It has so frequently occupied the able pens of my predecessors upon occasions like this, and of our distinguished scholars and statesmen, who have interested themselves in the prosperity of our common schools, and the cause of education generally, as to leave for me little more than to invite your anxious attention to this part of the system, and to the existing provisions of our laws relating to it. Some recent legislation, affecting the management and inspection of schools, the licensing of teachers and their future education, is attracting considerable attention, and exciting some interest, in portions of the State. The substitution of a county superintendent of schools, in the place of the former town commissioners, has given rise to discontents in some of the counties, and the proposition to establish a school at the seat of government for the education of teachers, appears to be creating serious apprehensions in the minds of portions of our citizens.

It is feared that an institution for the education of teachers for our common schools, under the superintendence of officers of the State government, and dependent upon the public patronage and bounty, will lead to influences of a dangerous character; that teachers so sent out, if the law shall not make them so, may feel themselves to be a preferred and a privileged class, and that the tendencies may be to incline them to use efforts to impress their pupils favorably towards the government to which they feel indebted, and the system which has given them preferment; that a uniform religious and sectarian, as well as political feeling may come to pervade such an institution, and through the teachers there educated, be disseminated in the common schools; and that in the end, a species of government establishment may grow up, giving a cast to the education and political and religious opinions of our youth, dangerous in its influences and results. Apprehensions of this character have been pressed upon me, with evidences of popular feeling upon these subjects entitled to respect, and I feel bound therefore to lay them before you.

In the same connection it is my duty to say that communications from other sources, equally intelligent and respectable, have been received, appreciating most highly these provisions of the existing laws, as great improvements in our common school system, and as promising the most auspicious results, without affording any just ground for the apprehensions to which I have alluded.

My opportunities for personal observation have not been sufficient to enable me to form an opinion as to the practical workings of the change from the town commissioners to the county superintendents, and I do not feel qualified to make any suggestion or recommendation in regard to it. If there be abuses of a serious character, they will doubtless be laid before you, with the evidences of their existence, and you will then be able to determine whether the defect be in the law, or in its administration, and to apply the remedy which the evil shown shall require.

The school for the education of teachers cannot yet have afforded any evidence of the groundlessness or justice, of the apprehensions to which I have referred, and I have not myself studied the subject so as to authorize me to pronounce an opinion, or to interpose any recommendations respecting it. I shall have discharged my duty, therefore, in presenting the point to you, with the suggestions upon both sides, and the expression of my conviction that those who take either are governed by the purest wishes for the steady and secure advancement of our system of education.

The school in question is located at the capital, and is therefore, at all times, within the reach of your personal inspection. It would scarcely be deemed reasonable, after its institution at the public expense, to condemn it in advance, and without a trial; but should you become satisfied, from intimate inspection, or other reasonable proofs, that it produces, or is likely to produce, the malign influences which have been anticipated, it will then be your duty to abolish it. And if, on the other hand, this system shall be found to realize the anticipations of its friends, without bringing with it any of the dangers or abuses apprehended by others, it may be confidently expected that the objections alluded to will be abandoned, as unsupported by experience.

The Literature Fund is also devoted to the purposes of education. Its capital, at the close of the last fiscal year, amounted to \$268,990.57, and the revenues received into the Treasury during that year were \$18,490.34. This fund receives \$28,000 annually from the interest of the United States Deposit Fund, and its revenues are distributed to the incorporated academies of the State, under the direction of the Regents of the University. As the conditions upon which academies are permitted by the Regents to participate in the dividends from this fund, the incorporation must own real estate and buildings of the value of \$2,500 over and above any incumbrances thereon, and must have a fund invested and yielding annual interest for the term of twenty years, equal to at least \$2,000. The increase of the number of academies participating annually in the distribution from this fund, by bringing themselves within these conditions, furnishes one strong evidence of the rapid advancement of education in the State, and of the very general diffusion of a grade of education beyond that ordinarily acquired in the common schools. The means necessary to purchase the lots, erect the buildings, and establish the funds for these numerous academies, are mostly if not entirely drawn from the voluntary contributions of private citizens, and of our incorporated villages and towns; and their collection and application evince in a gratifying manner, the lively interest taken by our people in the great cause of education. The annual report of the Regents of the University will place before you the condition of these institutions for the past year.

The capital of the United States Deposit Fund is \$4,014,520.71, the proportion received by this state of the surplus moneys in the treasury of the United States, deposited with the States for safe keeping by the act of Congress of 1836. This money was loaned by the State to the several counties, as the safest mode of investment, the

faith of the State being pledged for the return of the principal without interest, whenever the United States shall demand the re-payment of the same. The interest has been appropriated almost exclusively to the purposes of education, a single thousand dollars per annum to the New-York Eye Infirmary being, as I believe, the only exception.

The opinion is entertained in some quarters, that too large a proportion of this fund has been appropriated to the use of the colleges and academies of the State, and that an invidious distinction is made in their favor as compared with the appropriation to the common schools. This conclusion appears to rest upon the fact, said to be ascertained, that the dividend per scholar, from the public funds, is greater to these institutions than to the common schools. I have not ascertained how this fact may be, nor does it strike me as a very satisfactory foundation for the conclusion if it be as stated. These institutions are entitled to the public patronage and bounty so far, and only so far, as they are valuable and useful auxiliaries in the great cause of education generally, and especially in supplying the common schools with competent and qualified teachers, and improved modes of instruction, and in otherwise sustaining and elevating the standard of instruction in those schools. These, as it appears to me, should be the great objects of legislative grants to them, and the measure of such grants. The institutions must be sustained in a healthful and flourishing condition, or the accomplishment of these objects can not be expected from them. They must be supplied with competent teachers, or they can not send forth those competent to teach. The value of useful and proper class-books must be known and appreciated in them, or they can not commend such books for other schools. The standard of education in them must be sound and elevated, or they will not contribute to maintain such a standard in the common schools. Their healthfulness, therefore, or their need, in a pecuniary sense, would seem to me to be a more safe and more just guide to the legislature than any rule of distribution per scholar. The common schools should never be suffered to languish for the want of the means granted to these institutions; nor should the colleges and academies be permitted to decline and suffer, that the means which would sustain them may be granted to well supplied and healthful common schools. Either extreme would be equally unwise, impolitic and hurtful. All are parts, and essential parts, of one great and valuable and essential plan of education, and sickness in any branch must soon be felt throughout the whole system. The common schools are the principal and these institutions are the auxiliaries, essential auxiliaries, and that legislation which shall preserve the most equal and uniform soundness and activity and vigor, throughout the whole, will be the most politic, the most wise, and the most just.

Having no information in regard to the condition and wants of these various institutions, I am unable to pronounce an opinion upon the propriety of the present appropriations from the revenues of this fund. I can only, therefore, recommend the rule I have laid down upon this subject for your consideration; being well convinced that, if your examinations shall satisfy you that these appropriations are in con-



formity with it, you will find no cause to change them ; while, if you shall find any essential departure from it, that you will make the changes which the healthful action of our whole system of education shall seem to require.

By a law passed on the 10th day of April, 1838, principal moneys of the United States Deposit Fund paid, were directed to be transmitted to the State Treasury and not reloaned, that they might be applied in extinguishment of the debt standing against that fund, due to the Canal Fund. Payments of principal money have been made to an amount sufficient to extinguish that debt, and it is submitted for your consideration whether this law ought not to be repealed, and the authority of the commissioners of loans to reloan the principal moneys of the fund, originally conferred by the 28th section of the act of the 4th of April, 1837, be thus restored. It is important that these principal moneys be made constantly productive, that the appropriations of the revenue from them to the objects before named may be regularly met, and no other mode of investment appears to me to offer the same security with an equal rate of interest. As a mere financial question, therefore, separate from the consideration of accommodation to the inhabitants of the respective counties, it appears to me that the authority to reloan these moneys should be restored.

Our penitentiary system has been a subject of primary solicitude and deep legislative care, for a long series of years. In its early stages, next to the prevention and punishment of crime, the heavy burden upon the public treasury, and the removal of that burden, by making the labor of the convicts pay the expenses of their punishment, was the object most anxiously sought. It was finally reached through radical changes in the construction of our prisons, and the improvement in prison discipline which those changes rendered practicable. I entertain the impression that our State was the first to bring about the accomplishment of these great improvements in the construction and police of prisons, and with them the equally important result of making them support themselves. Various accidents, since that desirable point was first reached, such as the construction of new buildings, additions to, and improvements of the old, and a necessity for changing the labor of the convicts from employment to which they had become accustomed, to that which they were to learn, have created calls upon the Treasury for aid to support the State prisons ; but, as an ordinary rule, when the labor of the convicts has been directed to support alone, it is believed that it has fully met that charge, and, for some years, it has yielded a very considerable surplus.

The reports made to me by the inspectors of the prisons at Auburn and Mount-Pleasant, present both these institutions at present in a sound and prosperous state, the health of the prisoners ordinarily good, the discipline carefully preserved, and the avails of the labor of the convicts for the current year, promising to meet the expenses of the prison.

The number of male prisoners in the Mount-Pleasant Prison has increased one hundred, comparing the year 1844, with 1843, but



more than half that increase is accounted for by the transfer of thirty prisoners from Auburn, and the addition of eight counties to that prison district. The whole number there confined on the 30th September last, was eight hundred and sixty-three. The number of female convicts at Mount-Pleasant, at the same period, was seventy-two, four less than the number at the close of the preceding year. The whole expenses of the prison, for the last fiscal year, amounted to \$64,215.03, which the inspectors say is less, by from two to fourteen thousand dollars per year, than the expenses of the three preceding years, and they anticipate that the avails of the labor of the convicts, for the current year, will be equal to the support of the prison. This report makes several important suggestions for diminishing the expense and improving the condition of this prison, and especially as to a sufficient supply of pure water; but as the annual report of the inspectors to the Legislature will doubtless present these subjects, together with all the statistics in reference to the prison, more fully than I could do in this communication, I respectfully refer you to that document, when it shall be laid before you, and invite your attention to its statements and recommendations.

The number of prisoners confined at Auburn on the 30th of November last, was seven hundred and fifty-five, being but twelve more than at the close of the previous year, but it should be borne in mind that the transfer to the Mount-Pleasant Prison, of thirty of the Auburn convicts, probably diminished the number remaining in the latter prison to about the same extent, while the change of the prison districts would have diminished the number of commitments for the latter portion of the year. The whole expenses of this prison for the last fiscal year, were \$68,107.40, but this included some five thousand dollars of debts standing over from previous years, which were paid during the last year, from a special appropriation made from the Treasury for that purpose. The earnings of the prisoners employed upon contracts, during the last year, amounted to \$52,389.10, and the same earnings, for the current year, are estimated at \$60,000, while the expenses of the prison for the year, for general support and repairs, are estimated at the same sum. The report from this prison contains many interesting facts, relating to the discipline and moral and intellectual condition of the convicts, but which, as they will probably be repeated in the annual report of the inspectors to the Legislature, and as they call for no action on your part, I omit to notice.

For several years previous to the last, extensive complaints were made, on the part of the mechanics of the State, against the manner of employing the convict labor in the State Prisons as particularly unjust and oppressive upon them as a class of our citizens. The ordinary branches of mechanical and manufacturing labor chosen for the occupations of the prisoners, and the manner of employing them in the branches selected, by hiring their labor to mechanics and manufacturers in those trades, it was urged, raised up an unequal and unfair competition in favor of those employers against their fellow citizens of the same trades, but without that facility to procure cheap

labor ; that the State could afford to hire out these convicts at a rate of wages merely equal to their own support, in the economical way in which that support is provided in the prisons, because the services of the laborer were to cost it nothing more ; that such labor could be made to supply the market with a better article, at a less price, and greater profit, than the mechanic or manufacturer can do, who has not the benefit of this artificial standard to govern the wages of his laborers.

A further ground of complaint was that this mode of employing the convicts, thus constituting them mechanics confined to a few trades and those, to a great extent the most common, and necessarily followed in all parts of the State, was throwing the whole body of these State criminals, after their discharge from prison, upon that particular class of society, and making them the associates of the apprentices and journeymen in those trades.

The last legislature considered these complaints worthy of an effort to change the policy, and authorized the erection of a new State prison in the iron region of the State, with a view to the employment of the convicts in mining, making iron and such branches of the manufacture of iron as are not commonly practised by the mechanics of the State. A site has been selected for the proposed prison, by the persons, and in the manner, pointed out in the law, located in the county of Clinton. Two hundred acres of land have been purchased, including what is believed to be a very extensive bed of iron ore, of excellent quality ; and the location, with reference to coal, water, and other requisites for the proposed business, is considered very favorable. The annual report of the agent of the proposed prison, will place you in possession of all the facts important for your action in furtherance of this experiment to change the labor of the convicts in our prisons. Your predecessors adopted and established the policy of the measure, and \$17,500 have been paid for this site for a prison, as one important step towards the execution of their law. A plan for the new prison will accompany the report of the agent, and further appropriations will doubtless be wanted to enable him to proceed with the erection of it, and the necessary buildings for the proposed manufacture of iron. Of the amount of appropriations which will be necessary, I am not advised, but you will be informed by that officer, and presented by him with the facts and views upon which his estimate is based.

The course having been deliberately resolved upon, it should be prosecuted with energy and good faith, and the work should be hastened as rapidly as the means at your command applicable to it, and true economy of expenditure will permit. Still those who feel an interest in the accomplishment of the change should constantly bear in mind that time is required ; that the work to be performed, and the expense to be incurred, must be very great, before the revolution proposed can be perfected, even if the experiment should be attended with complete success. The enterprise is one of deep interest, but one which impatient haste may endanger and cannot serve.

The public charities of the State form another class of objects for your paternal care. Among them no one stands more prominent than

the provision made for the insane, and especially for the insane poor. The State Lunatic Asylum, lately established at Utica, is particularly designed for the relief of this most unfortunate class of our fellow beings, and the munificence of preceding legislatures towards it, and the promptness with which the counties and towns of the State availed themselves of its benefits, afford the highest evidence of the strength of that charity in the affections of our people. There is not, perhaps, an instance upon record where a public institution of that description and extent has been so promptly filled with patients, and certainly few where the happy result of entire restoration to reason, considering the condition of the patients when received and the duration of the malady before that time, have borne a greater proportion to the whole number of cases treated. There were in the asylum, at the commencement of the last year, 196 patients, and received into it during the year 275, making the whole number of cases within the year 471. Of this number 132 were discharged cured, 47 improved, 16 not improved, and 16 died, leaving 260 patients in the institution at the close of the year. Of this number 131 were males and 129 females, and patients were included from forty-nine of the fifty-nine organized counties of the State.

The patients remaining, at the close of the year, filled the asylum and indeed crowded it; but all poor patients chargeable to the towns and counties had been received, and there were a number in addition supported by their friends, or from their own means. The price of board during the year was reduced from \$2.50 to \$2 per week, and yet the income of the institution was expected to equal the expenses, so as to call for no new appropriation for general support. Under the appropriation already made for enlarging the asylum, additional accommodations for 200 patients are commenced. This appropriation was \$60,000, of which but \$6,000 have been drawn from the Treasury, so that, although no further appropriation may be required, means to enable the Treasury to meet the existing one are to be provided. As the managers of this institution are required to make an annual report to the Legislature, I forbear to go further into its particular condition, except to say that the presentation furnished to me is a most encouraging and gratifying one, both with reference to the liberality of the State towards the insane, and the faithful and successful application of its means by the managers and officers of the asylum.

There were in the lunatic asylum at Bloomingdale at the commencement of the last year, one hundred patients; received up to the 6th day of December one hundred and two, and discharged ninety-nine, leaving in the institution, on the last named day, one hundred and three.

As the fiscal and calendar year are the same at this institution, it has not been in the power of its officers to lay before me the condition of its pecuniary affairs, for the last year, but a communication from the resident physician informs me that it will not vary materially from that of the year 1843, as reported to the Legislature during its last session. A reference to that report will show that the financial



affairs of the asylum appeared then to be in a fairly healthful state. The resident physician gives a favorable and encouraging account of the condition and treatment of the patients in the institution, and thinks it will bear a comparison with any similar institution in the world, and he seems to speak from a very extensive experience and examination.

The annual report to the Legislature, of the Governors of the New-York Hospital, of which this Asylum is a branch, will put you in possession of all the necessary information in relation to both institutions. The State pays an annual annuity to the hospital of \$12,500, and to the asylum of \$10,000.

The principal of the institution for the education of the deaf and dumb in the city of New-York has laid before me an interesting statement of the condition of that school, but as the fiscal closes with the calendar year, the state of its finances for the last year could not be given.

The number of deaf mutes resident in the institution on the second of December last, was one hundred and eighty-five, of whom three were connected with the department of instruction, seven with the mechanical department, seven were employed in domestic household duties, and one hundred and sixty-five were pupils of the school.

The sums received, and to be received, from the State, from the various appropriations to this institution, were estimated to amount, for the year, to something more than twenty-two thousand dollars, and it was stated that some of the laws making these appropriations are about to expire. An intimation was also given that additional aid was desirable and might be asked. Many other interesting facts were stated in relation to the institution, and the advancement of education, and improvement in the modes of instruction, but as all will be more fully placed before you in an annual report from the managers, to be laid before you early in your session, I omit a reference to them here.

Next to the deprivation of reason the subjects of this charity make the strongest appeal to the public sympathies, and will doubtless command your guardian care. In the present embarrassed condition of the General Fund and the deficient state of its revenues, I cannot feel authorized to recommend an increase of the already very liberal patronage extended to this institution. It will doubtless be your pleasure to continue that already extended, so far as the revenues relied upon to meet the present appropriations, and the state of the public treasury will warrant.

The New-York Institution for the Blind is another public charity only second to the two which have been mentioned. A statement from the corresponding secretary of the incorporation gives the present number of pupils at one hundred and ten, of whom eighty-eight are supported by the State at the annual expense of one hundred and thirty dollars each. This will amount to \$11,440 per annum, paid from the public treasury for the education of pupils in this school for the blind. The account given of the advancement of these unfortunate children in the various branches of education, in the science of music, and in mechanical and manufacturing industry is one of deep



interest, and it is a matter of profound regret that, with this liberal patronage from the State, the funds of the institution are not such as to preserve it, from emarrassments, which limit its usefulness. The managers suppose they can derive a benefit from certain alterations and extensions of their charter, which will aid in relieving these emarrassments, among which is the permission to constitute this institution an asylum, as well as a school, for the blind. My acquaintance with the subject does not enable me to judge of the propriety of this extension of the charter; but I invite your careful attention to the request, convinced that it will receive your favorable action, unless there shall be sound objections against it.

It is a most gratifying reflection, that during all the period of our late financial emarrassments, driving us to the necessity of direct taxation, our expenditures for education, for the maintenance of our penitentiaries, and for the liberal support of our public charities, have not merely not been diminished, but have been increased and extended, at least to keep pace with our increasing population. This single fact speaks volumes in favor of the intelligence, patriotism, and public spirit of our people.

Few subjects connected with this communication have been pressed upon me with so much earnestness, since the close of the late election, as the necessity of some additional legal provisions to secure the independent and unbiassed exercise of the elective franchise, and the purity of the ballot box, especially from the corrupting influence of money. No subject can possess deeper interest to the freemen of our state and country, or be more vitally important to the very existence of our political institutions. Without, however, detaining you with remarks to establish a position which will be instantly conceded and fully appreciated, I will proceed directly to the points to which I propose to confine my suggestions.

One of the prominent complaints is that efforts are made, and successfully made, to defeat the policy of our present law, intending to secure to the elector the privilege of keeping his vote from the sight or inspection of the officers of the election, or any one else, and its character known to himself only. By the law, if he chooses to hand his ballot to the inspector closely folded, the law prohibits the inspector, upon pain of severe punishment for a misdemeanor, from so opening it as to expose the names of the persons voted for upon it. The law, however, requires that the ballot should be labelled upon the outside; and if folded, it must be so folded as to leave this label visible. This is made one of the means of defeating the protection intended to be thrown around the elector, by enabling him to keep the character of his vote a profound secret from all the world but himself, if he should choose to do so. This label, as a general remark, must be printed, and the character of the type is made to designate the political complexion of the vote within, as plainly, to those who understand the design, as would the inspection of the names upon the ballot. In this way the influence of the employer over the feelings and fears of the employed, is as fully and forcibly exerted, as if the latter were required to give a viva voce vote, or deposit an open ballot. So the

description and color of the paper upon which ballots are printed is often resorted to for the same purpose ; and in this way the spirit and intention of the law, to protect the elector in the independent exercise of his own free choice, are circumvented and defeated.

I do not know that it is possible, by legislation, to reach and prevent all these devices unduly and improperly to influence the free choice of the elector ; but it does appear to me that all the abuses growing out of the use of a label upon the ballot, may, as our law now is, be prevented by a very slight modification. When there is not a presidential election, and when no amendments to the Constitution are to be voted upon, we now have but one ballot box and one ballot, and then manifestly no label can be required. I can see no cause to apprehend inconvenience or injury, by such an amendment of the law as shall render but one box and one ballot necessary at any time. The persons voted for as electors of president and vice-president may be as well designated upon the state ticket, as upon a separate one, and the opinion of the elector upon any constitutional amendment can be as well expressed upon that as upon a separate ballot. Nor do I think the addition to the size of the ballot, in either of these cases, would produce any serious objection.

I respectfully submit these suggestions for your consideration, confident that, as far as you shall find it practicable, you will defend the elector in the enjoyment of that impunity from improper influences, in giving his vote, which it has ever been the policy of our law to secure to him.

Another point of much more serious complaint, is the extensive and rapidly increasing practice of betting upon elections, and the interested, selfish, and corrupting tendencies which it exerts upon the election itself. It is true, that bets so made cannot now be recovered by action, or payment enforced in any legal manner, and that property or money staked, or even paid over upon a bet, may be recovered back in a suit at law ; and yet it is equally true, that a public opinion exists, almost universally, so strongly condemnatory of the conduct of him, who, having made a bet, refuses the payment ; or, having paid, seeks to recover back the money, as to have almost the force of positive law to compel the payment. Indeed, instances have existed, when bankruptcy has been the consequence to the losing party, and yet pecuniary ruin has been preferred to a resort to the protection of this statute. Under such a state of things, the law is wholly ineffective to prevent the practice, as its alarming increase too clearly proves.

Still the evil influences of the practice upon our elections, and the propriety of interposing by legislation to avert them, are fully recognized in the present law. These improper and corrupting influences have made themselves manifest to the whole body of our freemen, and constitute a theme of almost universal complaint. Upon the party to the wager, they are all controlling. His ear and his mind, from the moment his money is staked, are closed against argument, or reason, or examination, either as to the questions involved, or the candidates presented for his suffrage. He must so vote and so act as to win his bet, and the welfare of the country becomes an entirely

secondary consideration. His appeals to all over whom he may hope to exert an influence, are to save himself from loss, and help him to win the money of his opponent, not to examine and inquire how they may best serve their country by their votes.

The manner in which this evil practice extends itself, presents another and even stronger reason for its more effectual suppression. It operates as a positive coercion upon many who are really unwilling to make bets, because it is made a test, by the members of the contending parties, of the confidence of each other in the strength of their cause and their candidates, and their final party success. The offer of the bet is often the consequence of heated discussion and strong partisan feeling, made by one who, without excitement, would neither offer nor accept a bet upon an election, and yet once made and reluctantly accepted, the same coercion prevents either party from receding; the wager remains, and they become parties to a bet upon the pending election, and subject to all the selfish and corrupting influences which have been described, though both feeling a repugnance to the practice. To avert these evil influences from such parties, and save them from the coercion of so artificial and imaginary a test of political sincerity and confidence, if it can be done without a violation of principle, is certainly most desirable, and would be a valuable improvement in our legislation.

Many have suggested disfranchisement as the penalty of becoming a party to a bet, upon the very rational ground that he should not be permitted to vote at all, whose vote is to be governed by his private interests, and not with reference to the public good. This suggestion, however plausibly urged, we have not the constitutional power to adopt. The constitution of our State declares the qualifications and disqualifications of the voter, and does not give to the Legislature the right to subtract from the one or add to the other. Its whole power in the matter is to pass laws for ascertaining the constitutional qualifications. The suggestion which strikes me with most force, and as most likely to arrest the practice of betting, is to make it punishable criminally; to subject the parties to every bet made upon the result of an election, to indictment, and upon conviction, to punishment by a fine, to be graduated by the amount of the wager, and to all the costs of the prosecution. If the fine be given entirely to the complainant, the probability of prosecution, and consequently of arresting the evil will be strengthened.

No valid objection in principle against such a law has occurred to me. The deleterious influence of this species of gambling upon the public morals alone, would, it appears to me, justify the passage of a law which should make it criminal. And when its corrupt and corrupting tendencies upon our elections, upon the free and proper exercise of the elective franchise; when its influence to bring the improper expenditure of money into a political canvass, and to apply it under the desperate impulse of a gambling spirit, are considered, I cannot doubt that the moral and political aspect of the evil will fully justify its classification as a crime, and its punishment as such.

I submit the suggestion, however, with great deference, and in the



full conviction that it will not receive your sanction, unless you deem it sound in principle, and likely to prove salutary in practice. Such a law cannot do less than relieve from coercion those who do not make bets from voluntary choice; as no state of public opinion will be likely to require of the citizen, that he should violate the law, and subject himself to indictment, to manifest his confidence in the correctness of his political opinions, or the success of his political party; and if any should be reckless enough to challenge him to do it, his refusal placed upon this ground, will admit of none of the inferences, which constitute the coercion at present felt.

The use of money at our elections, not connected with wagers, has become a subject of universal complaint. The provisions of our law are very rigid, and expressly confine the lawful use of money upon those occasions to "defraying the expenses of printing and the circulation of votes, hand-bills, and other papers, previous to any such election, or for conveying sick, poor, or infirm electors to the polls;" and any candidate for any elective office, or any other person, who shall, with intent to promote the election of any particular candidate or ticket, contribute money for any other purpose, is guilty of a misdemeanor, punishable by fine not exceeding two hundred and fifty dollars, or by imprisonment not exceeding six months. It is difficult to see how provisions of law can be more rigid, and not restrict the free publication and circulation of political matter, or prohibit offices of kindness to the sick, poor or infirm; and yet it is manifest that the evils and mischiefs intended to be prevented by the present law, yet exist, and are rapidly and alarmingly augmenting. It is impossible to presume that the contributors expect, or intend, to keep within their own control, or even to retain a personal knowledge of the uses to which their money is applied, as vast purses are frequently made up for the avowed purpose of wide distribution throughout the counties of the State, and not to meet the lawful expenses of the election in the county where the contributors reside, and are voters. The forms of the law may be observed in the subscription papers, but the spirit of the law is disregarded, if not expressly departed from, when the application and use of the money is placed beyond the power and knowledge of him who gives it.

It is worthy of consideration whether contributions in money, for any purpose of expenditure, even within the terms of the present law, may not be safely confined to the county. If the object is publication, let the contributions be in publications and not in money, and the expenditure is brought within the terms and provisions of the law, by the act of him who contributes the money. It will scarcely be contended that the sick, or poor, or infirm, of any one of our counties, will be kept from the poll, if money is not contributed from another county to defray the expense of conveying them to it. Every county has citizens enough, able and willing to perform that service for their sick and poor and infirm neighbors.

It has been suggested that this corrupting influence upon our elections may be restrained, by limiting the amount, beyond which no candidate and no citizen shall contribute for any purpose. If such a lim-



itation can be imposed and enforced, it will doubtless go far to restrain the evil, as it is apparent that very large amounts are paid by comparatively few subscribers. Large contributions cannot be made with any regard to the provisions of the existing law, and the contributor doubtless contents himself by the reflection that he but gives the money, while, taking no part in its expenditure, he is not responsible for any violations of the law to which his act may lead. Such contributions of money, for such a purpose, cannot fail to lead to abuses, and are therefore themselves abuses, and any provision which should effectually restrain them, without a violation of principle, would be a most important step towards exempting our elections from the poisonous influence of money.

Two proposed amendments of the Constitution will call for your action, farther to extend our judiciary system. One provides for the addition of three associate chancellors to the court of chancery. This court has always hitherto consisted of a single judge, but years of experience have proved that the labors of no one man are equal to the discharge of the duties and the despatch of the business of that court.

The other amendment adds two justices to the bench of the Supreme Court. Formerly this court was composed of five judges, and they performed all the duties of the bench and of the circuits for the whole State. At the revision of the Constitution, eight circuit judges were provided for, and the judges in bench were reduced to three. As with the Court of Chancery, the experience of several years last past has conclusively shown that the three justices cannot do the business falling upon this court, and, in both the Supreme Court and Court of Chancery, delays of justice are suffered deeply injurious to parties, and laying the foundation for just complaints.

A conviction of the necessity of adding to our judiciary in some safe and proper way has long since been produced upon the minds of our people, and differences of opinion as to the expedient mode of accomplishing the object have prevented amendments of the Constitution until this period. With a full view of all the facts, and a full knowledge of the necessity of some farther provision upon this subject, your immediate predecessors matured the amendments now under consideration, and made the preliminary submission of them to our common constituents. Most of you have been elected at the election when these amendments were before the people, and of course with reference to their farther disposition, and I submit them to your action conscious that nothing which I could add to the communications of my predecessors upon this interesting subject, almost annually made for the last eight or ten years, would increase your sense of the necessity of some provision to reach and cure the evil complained of; and I do not feel competent to enlighten you by any attempt to discuss the merits of these particular amendments as compared with other propositions which have been, upon various occasions, submitted to the Legislature and the public. All the ground of discussion presented has been so frequently and so ably occupied, as to place within your reach all the views of which the topic is susceptible.

If it shall appear to you that these amendments will accomplish the object desired, and in as safe and practicable a mode as any other, I am sure they will not fail to command your assent in a way which will place them before the people for their final action.

A farther proposed amendment to the Constitution, securing to persons subject to removal from office by the joint resolution of the two Houses of the Legislature, or by the Senate on the recommendation of the Governor, the right to information as to the grounds upon which it is proposed to remove them, and to be heard in their defence, will also demand your action. The principle involved in this proposition, as one of general application, is certainly sound, and in strict conformity with the policy and spirit of our law; and no reason occurs to me against its application to this class of cases, while, without some special and strong ground for the exception, there would seem to be abundant reasons why it should be so applied.

Still another amendment is proposed and will also come before you. Its object is to abolish the property qualification required in the Constitution to hold a seat in the Senate, or the office of Governor. I am not aware that the provision applies to any other offices. The qualification is doubtless in conflict with the present policy of our laws and feeling of our people, as the day has passed by when the title to a freehold is supposed to be a necessary qualification either to entitle a citizen to vote, or, to be voted for. I cannot doubt that the amendment will meet with your approbation.

The transactions of the State Agricultural Society, annually communicated to you, will afford information in relation to that great interest, so much more full and authentic than any it is in my power to lay before you, that I consider my duty best discharged by commending to your notice that forthcoming communication, without any attempt to anticipate its contents. The commanding position which that Society has taken, within the last few years, has roused the energies of our agriculturists beyond any former example; and those energies have been wisely directed to practical and substantial and valuable improvements, in an unusual degree. Societies have been organized in about fifty counties, and each year presents the proceedings of annual fairs in some of them, of which any agricultural population may well be proud. The fairs of the State society already rival the best in the Union, and, in very many respects, bear a favorable comparison with any in the world.

The appropriation of eight thousand dollars per annum, for a short term of years, by the Legislature of 1841, for the encouragement of agriculture, seems to have added impetus to these movements; and the more rigid system of accountability for the expenditure of the money, and its more wise application to real and practical improvements in agriculture, appear to have given to the appropriation more extended utility than has always been visible from like expenditures.

This law is to expire during the present year, and certainly no body of men can be better qualified to determine whether it should be extended, than the representatives of the counties where these societies exist, where the members of the State society are found, and the in-

fluence of their instruction and example is felt, and where the benefits of these organizations are experienced, if benefits proceed from them.

The interest involved is not merely the most important committed to our charge, but more important than all others, and the only question we have to solve is, whether it will receive that encouragement, from a continuance of the appropriation, which ought to be derived from the expenditure of that amount of the money of the people, and not whether the interest is worthy of that amount of encouragement. The decision of the question is referred to you, with the assurance that I shall cheerfully concur in any reasonable measure, designed and calculated to afford substantial encouragement to the agriculture of the State.

I regret that my duty to communicate to you the condition of the State cannot be discharged without bringing to your attention a subject of a very different character, but one of deep and pervading interest. I refer to the difficulties existing between the proprietors of certain leasehold estates, in several of our counties, and the tenants upon those estates. For several years past these difficulties have been accumulating, and have, from time to time, been the cause of local disquiet more or less extensive, and more or less seriously threatening the preservation of social order and the public peace. Still, with one or two exceptions, the authorities of the counties have been relied upon to maintain the law, preserve the peace, and protect the rights, property and persons of the citizens, against any attempt of the ill advised to violate either. Resistance was made during the period referred to, and sometimes too successfully made, against the officers of justice in the discharge of their official duties, but under circumstances leaving the hope that misapprehension, acting upon minds suddenly excited, had occasioned the resistance, and that time, calm reflection upon the magnitude of the offence committed, and more patient and dispassionate inquiry into the grounds of complaint, and the wise and proper mode of redressing the grievances, if any, which should prove to have real existence, would cure the disturbances, and relieve our ordinarily peaceful and prosperous communities from the dangers which threatened them.

This reasonable hope has not been realized. An exciting state election was made the occasion for an earnest attempt to intermix these questions with the general politics of the State, and make them tests of election to the legislature. It was but reasonable to expect, after the appeals made in this form had been patiently listened to, maturely considered, and deliberately decided by the freemen of the counties before whom the questions were raised, that further efforts, in any other manner, to accomplish the objects sought, would be at least delayed until the relief expected could have been asked at the hands of the Legislature. Even this delay has not been suffered, but resistance to the law and its officers has been renewed, in forms and under circumstances of the deepest aggravation. Organized bands of men, assuming the disguise of savages, with arms in their hands, have already bid defiance to the law, its process and its officers, and, in



repeated instances, and in more than one county, put the life of the sheriff or his deputies in imminent peril, forcibly taken from them their official papers, and burned them in open day, compelling the officer to desist from further attempts to discharge his duties.

These misguided violators of the law, and disturbers of the public peace, have not confined their outrages within even this limit. Already the lives of two peaceable and unoffending citizens have been taken, and, in both instances, when neither the sheriff nor his officers were present, and when no attempt was made to serve legal process.

Minor outrages upon the rights and persons of private individuals, and the peace of neighborhoods, had begun to awaken attention to the danger of these lawless and passionate proceedings ; but these wanton sacrifices of human life, in a manner so unprovoked and causeless have given to the whole public mind a shock, which nothing but the prompt and effectual restoration of the reign of law and order can calm.

While the question between the proprietors and the tenants was whether the leasehold tenures should be perpetuated, or the rents should be commuted upon fair and reasonable terms, and fee simple titles should be given upon the payment of a capital in money, which invested at a stipulated rate would reproduce the rents to the landlord, the controversy was one in which the feelings and sympathies of our people were deeply enlisted, and strongly inclining in favor of the tenants.

Then the question was, not whether rights of property are to be trampled upon, the obligations of contracts violently resisted, the laws of the State set at defiance, the peace of society disturbed, and human life sacrificed, but in what way contracts onerous in their exactions, and tenures in their nature and character uncongenial with the habits and opinions of our people, could be peaceably and justly and constitutionally modified to meet the changed circumstances of the times. And then I might have invited your careful attention to the considerations growing out of these issues.

But I feel precluded from discussions of this character, by the extravagant and indefensible position given to the controversy by the unlawful and violent proceedings of those, who assume to take the charge of the rights and interests of the tenants involved in this litigation. I say those who assume to take the charge of the rights and interests of the tenants in the matter, because I cannot believe that the great body of farmers, who are the occupants of these leasehold estates, are either parties, or conscious and willing accessories, to these violations of the laws of the State, and to high crimes, subjecting the perpetrators to punishment in our State prisons. I do not believe that they, as a body of men, are prepared to trample upon the rights of any class of their fellow citizens, to break up the peace and order of society ; to paralyze the arm of the law, and make might the measure of right ; to disguise their persons, that they may avoid the responsibilities of their own acts ; and, least of all, wantonly to sacrifice human life in such a controversy. Still, that there are those who have deliberately made up their minds to all these revolting consequences, or



who are passionately and thoughtlessly pursuing a course of conduct calculated to bring them upon us, the facts which have been adverted to conclusively prove. The information communicated to me, however, authorizes the belief that this desperate extremity, whether of deliberate determination or of thoughtless passion, has been reached by comparatively few, and that many of those are not themselves tenants, but persons who have, for hire, enlisted themselves into the service of the anti-rent associations. I cannot be responsible for the truth of this information, as I have no personal knowledge whatever in the matter, but it has reached me from sources which I consider entitled to my belief.

If such be the fact, and there are those engaged in these transactions who have no other and deeper personal interest, any appeal to them, I fear, would be in vain. If any individual, who enjoys the blessings, and seeks for himself and his the protection, of our free institutions, is prepared, upon calm reflection, to serve for hire in such a cause; is ready to make himself the instrument of visiting these wrongs upon his fellow-citizens, and these evils upon society, for the paltry consideration of the wages of the day laborer; to him I should address myself without hope.

To the tenants themselves, who are the real parties to this controversy, and whose deepest interests are at stake, I can appeal with some confidence. Have they been able to convince themselves, or can they convince themselves, that violent wrong to others is the rule by which right is to be secured to them? That open and criminal resistance to the laws and authorities of the State is the way in which they are to find peace and security for themselves and their families? That a course tending to disgrace, if not to subvert, our republican institutions, can lead to wealth or prosperity or happiness, for them and theirs? Have they reflected that the very theory upon which our government is instituted, is equal protection to all, and that the strong arm of our constitution and laws is the security of the feeble and dependent against the wealthy and powerful? It is for man, not money, for the tenant, not the landlord, for the laborer, not the employer, that the protection of the law, and its faithful execution, are most required; and when the former shall take weapons in their hands to break down and destroy that protection and security, they but invite the invasion of the latter upon their rights and privileges and liberties, by a removal of the only obstacle against a successful assault.

Under this view of their rights and interests, to say nothing of their duties to society and their country, can they believe it wise to persist in the course they have taken? To countenance and sustain those who openly set the laws at defiance, and who pursue a course calculated to subvert the government of our country itself, and this without proposing to take any step towards the final adjustment of the disputed rights and questions involved in the controversy, other than that which is taken by the criminal exertion of physical force? Are not the associated tenants conscious that many of those, who apparently act with them, are influenced by the coercion of fear? And do they not know that threats have been used to force individuals into

the associations and to deter them from seceding? Is it not true also that one of the avowed objects of the combination is to prevent individual tenants from making voluntary payment of rent, or from purchasing a title from their landlords, upon any terms however fair and liberal, and for any consideration however reasonable and just, unless the association shall first yield its assent to the compromise? Here, then, is resistance not only against the leases as they are, but also resistance against such a change of the leases as shall remove their ground of complaint.

Is it not moreover true that a system of rent assessed upon the lands is rigidly enforced, to meet the expenses of this organization, more obnoxious to the principle and spirit of freedom than the leases themselves? And are there not involuntary contributors, from whom payment is coerced by means much less defensible than those which the landlords attempt to use to collect the rents?

Again, I ask, can it be that the tenants, industrious and worthy farmers as they are, can either hope, or wish, to sustain a position so unnatural, by means so wholly indefensible? Will they not reflect upon the dangers they may incur as accessories to the crimes committed by their disguised agents, if they continue to pay their money to support and sustain those agents in their illegal proceedings. After what has already transpired, can they say to their own consciences, much less to a jury of their country, that they make these contributions in ignorance of the uses to which their money is to be applied, or that, with such knowledge, they do not make themselves, morally at least, if not legally, accessories to all the offences to which these contributions may lead?

If, however, there shall be those among the tenants whose passions or prejudices are too strong to be overcome by these and like considerations, may I not finally appeal to those who have become reluctant members of these mistaken associations, and who have been made to contribute of their means, or by their names, to sustain such illegal and criminal proceedings, now to step boldly out and resume their duties to society and their country? To take the side of the Constitution and the law, against the violators of both, and to show that their intentions were not criminal, and their objects not subversive of our free and glorious institutions, by manfully lending their aid to prevent, or detect and punish crime, and to preserve the order and peace of the community?

In any event, if these appeals to our fellow-citizens shall not be listened to, upon us rests the responsibility of furnishing the necessary aid to the ministers of the law, to enable them to perform their duties, and to arrest and bring to trial and punishment those who shall unlawfully resist them. The power of the county is confided to the sheriff, and upon him rests the duty of calling it into exercise, as far as need may be, to enable him to enforce the laws, and to protect the property and rights and lives of the persons within his bailiwick. This power is given without qualification, other than the measure of the necessity which calls it into exercise. It extends to every male inhabitant of the county of sufficient age to render effective assistance,

and to be able to comprehend the duties and responsibilities of the citizen; and it is upon the peril of indictment and punishment that any such inhabitant disregards, or disobeys, this summons of the sheriff. Mr. Jefferson, one of the ablest, as he was one of the most sincere and ardent defenders of the liberties and rights of the people, whom any country has produced, considered this feature of our system as comprehending its principal strength. He said, "I believe this the strongest government on earth. I believe it the only one, where every man, at the call of the laws, would fly to the standard of the law, and would meet invasion of the public order as his own personal concern." This is the proper personal concern of every American citizen, and if the time shall ever come, when the mass of our people shall refuse so to consider and so to treat, invasions of the public order, or shall join those who resist the law and its officers, then will our liberal institutions have been voluntarily surrendered by those they were designed to protect and bless; then will the blood of our revolutionary fathers have been shed in vain, and their descendants will prove themselves unworthy of the rich inheritance transmitted to them through so much toil and peril and suffering; and then will the cause of free government receive a fatal blow, and monarchists every where will rejoice at the incapacity or indisposition of man to govern himself.

The present indications of the public mind and feeling, in relation to the outrages which have been referred to, sufficiently prove to us that this fatal period is not yet even approaching, with our citizens, and that all those entrusted by them with the execution of the laws will most lamentably misrepresent them, if they pause in their exertions to restore peace and security and order. It is highly creditable to the fidelity and patriotism of our citizens, that, hitherto, in these recent disturbances, formidable as has been the shape they have assumed, wherever the sheriff has had an opportunity to call for the requisite aid, and has proceeded with firmness and energy, the body of the county has proved adequate to the service of criminal process, and to the arrest and detention of some of the most forward of those engaged in the armed resistance against him.

The power of the county is first to be exerted by the officers of the county, aided by the body of the county; and only when representations made to the Governor shall satisfy him that this power is insufficient to maintain the supremacy of the law, can he interpose and order a military force from other counties to aid the resisted sheriff and his posse. This is in strict conformity with the theory of the system, and with its healthful action. The inhabitants of the vicinage are the most directly and deeply interested in suppressing violations of the law, detecting and punishing crime, and preserving peace and order and security in their neighborhoods, and to them the law first looks for its maintenance and execution.

The principal disturbances, of recent date, have been confined to the counties of Columbia and Rensselaer, and in the former county several arrests of persons concerned in resisting the sheriff, and suspected as accessaries, or principals, in the killing of a citizen of that county, and their confinement in the county jail at Hudson, called forth



extensive threats of a rescue, and movements among the disguised bands, calling themselves Indians, having that avowed object. The sheriff succeeded in organizing an armed posse of one hundred men, and the citizens and corporate authorities of the city of Hudson, alarmed by threats of injury and destruction to the town, made application to the Governor, and received from him, upon the bond of the corporation, arms and ammunition for the use of the inhabitants. In this way the jail and the town were guarded for a week, when, as other arrests were to be made, and the disposition and efforts to rescue the prisoners seemed to be gaining extension and strength by co-operation from other counties, the sheriff, and the authorities of Hudson united in making a requisition upon the Governor for a military force from without the county of Columbia, in aid of the sheriff's posse.

It appearing to the satisfaction of the Governor, that a constant guard was necessary to secure the jail and the prisoners confined and who might be confined therein; that the presence of such a guard might be required until the cases of the prisoners should be finally disposed of by trial or otherwise; that the service required the strictness and vigilance of rigid military discipline, and could not be so securely performed by any organization which it was in the power of the Sheriff to give the posse comitatus; and believing as he did, that the character and probable duration of the service were such as were not contemplated by the law giving the power to the Sheriff to summon his civil posse, the request was granted, and a military force ordered and placed at the disposal of the Sheriff. Inasmuch as no means had been provided to subsist this force, the Sheriff was required to make that provision, but under the assurance that the matter would be laid before you, with a recommendation that you should remunerate him for the expense from the state treasury.

The report of the Adjutant General, herewith transmitted, will exhibit the amount and description of force thus called into the service of the State, with all the facts necessary to enable you to take the requisite action in regard to it.

All these steps on the part of my immediate predecessor have been taken, in my judgment, from sound views of the exigencies of the public service, and were dictated by the purest intention to discharge in a safe and proper manner, a most responsible and unpleasant public duty; and I cheerfully and earnestly recommend that as early provision as practicable be made for the payment of the men, for their subsistence for the future, in case it shall be thought necessary to continue them in service, and to discharge the fair and just accounts of the Sheriff of the county of Columbia, for their subsistence hitherto, and until provision by law shall be made.

I have already said, that I felt precluded from discussing what I understand to be the real questions between the proprietors and the tenants, so long as the present position of the controversy on the part of the tenants is maintained, as it excludes all idea of arrangement, amicable or legal, upon any basis which has suggested itself to me as within my power of recommendation. Indeed, not merely the questions but the parties to the controversy, have been practically

changed by the violent proceedings alluded to ; and it now becomes my duty to call your attention to a struggle going on between a band of desperate men, who disguise their persons, and with arms in their hands, bid defiance to the law and its officers, on the one side, and the constituted authorities of the State, exerting the powers conferred upon them to preserve the peace, defend the rights, and protect the lives of the citizens, on the other. In such a controversy, there is but one side for the faithful public officer to take, whatever may be his office, or the trust confided to him ; and as upon me rests the express constitutional obligation to "take care that the laws are faithfully executed," which obligation I have sworn faithfully to discharge, I have no choice left, even if I were inclined, as I trust I am not, to doubt or hesitate. The laws must be executed. The rights of all must be respected. The public peace must be preserved. The lives of our peaceful fellow citizens must be protected ; and crimes must be prevented or punished. So far as the law as it now is clothes me with power to secure the accomplishment of these objects, or so far as it shall be your pleasure to confer additional authority, I hope to be able to exert it calmly and dispassionately, but with vigilance and firmness, and aided and sustained by the great body of our common constituents, as I am sure I shall be, I do not entertain a doubt of complete success. Indeed, I indulge the earnest hope that already the crisis is past ; that the events which have transpired have opened the eyes of those, who were looked to for aid and support by these desperate perpetrators of crime, and made it certain that no further outrages will be committed through their countenance or co-operation. If this reasonable hope shall be disappointed, still the laws must be executed, fall where they may, and affect whom they may.

Permit me to suggest, in conclusion of this subject, whether the facts here presented, and others constantly appearing before the public, should not induce you so to provide for the prevention and punishment of crime, as to enable the officers of justice to reach him who disguises his person for the purpose of committing crime with less exposure to detection. That the disguises of these organized bands, calling themselves Indians, are assumed for purposes unlawful and highly criminal,—an armed resistance to the execution of the law,—they themselves openly and publicly declare. After that offence, or other and higher crime has been perpetrated, the disguise is laid aside, and even eye witnesses, upon the spot, may not be able to identify the guilty. Can there be any violation of principle in making the use of the disguise itself an offence, subjecting the party at least to arrest, examination and identification, when evidence exists to satisfy the magistrate, or other officer of the peace, that the purpose for which the disguise is assumed is unlawful and criminal ? It appears to me there is not : and that a provision of this character, properly guarded, would go far to aid in the prevention of the crimes, which have been recently so daringly committed, under the protection of masks and other disguises. The suggestion is respectfully submitted for your careful consideration.

As the authority of the Governor to deliver from the State Arsenal,

the arms and munitions of war for the use of the citizens of Hudson, as well as for the use of the militia called into service, may be matter of doubt and question, and as I am satisfied that the necessities of the occasion required the exercise of this discretion, I recommend that, by giving legal sanction to the act, you protect him both from responsibility and censure.

I cannot consent to close this communication without a brief reference to the interests of our State as a member of the Union. We have just passed through a presidential election, second to none which has preceded it, in the importance of the principles involved, or the deep and universal interest of the whole people in the contest. At no time has the excitement of feeling been more intense, and no similar election has passed away, with a more universal observance of public order. Seldom have the two great parties of the country arrayed themselves more distinctly upon the principles and measures of policy which divide them, or more unequivocally staked the result of a national contest upon the strength of their respective positions. Great issues, which, heretofore, have been but imperfectly joined, or sectionally tried, have now been universally recognized as presenting controlling questions in the canvass. The public lives, and the known and acknowledged principles, of the leading candidates of the respective parties, as clearly as these expressed issues, defined the grounds upon which the battle was to be fought. Those candidates were supported upon the principles and opinions, which, as statesmen, they had avowed and practised. The whole mass of the people were more universally appealed to and more elaborately addressed, than at any preceding election; and every freeman in the country enjoyed the fullest opportunity thoroughly to understand all the points in dispute, before he cast his vote. The conclusion is almost unavoidable, that, at no time has the whole public mind more perfectly understood all the important questions involved in an election, or more clearly comprehended the influences to be exerted by its decision, upon the future policy and measures of the national government.

It is reasonable to hope that, after so solemn a decision of the people, pronounced under such circumstances, the great interests of the country, which have long been kept in a condition of uncertainty and agitation, will be allowed repose; that the basis of the action of the federal government on the subject of the currency, may now be considered settled; that all further agitation on the question of assigning one entire branch of the permanent federal revenues to the states may be at an end; and that the principle upon which the revenues of that government, to be derived from customs, are to be assessed, is intelligibly defined. All these are subjects which deeply affect the business interests of every portion of the country, but more especially, and most deeply, the commercial and trading interests; and as the most commercial state of the Union, we have felt, with great severity, the uncertainty, the chance and the prospect of change, which, for many years past, have almost constantly surrounded all these questions.

Next to a policy based upon sound, constitutional principle, one  
[ASSEMBLY JOURNAL.]



which is stable, and which will realize for the future what it promises for the present, is the most important for all the great interests, agricultural, commercial, and manufacturing. The issue of the late election seems to promise these benefits, at least for a time, and until the recurrence of another similar canvass shall determine whether these issues are to be re-opened ; a result, in my opinion, greatly to be deprecated. No violent changes are required to conform the existing state of things to such a settled system as has been thus indicated. My entire conviction that the hands into which the administration of the Federal Government is to pass, are those which will most scrupulously respect these manifestations of the popular will, induces me to express this strong degree of confidence upon these points. That respect will draw to the new administration the continued confidence of the people, and secure the results anticipated, at least during its continuance.

Some apprehensions appear to be entertained of difficulty in our foreign relations, and an interruption of the peace of the country. I confess I cannot partake strongly of such fears. I am not aware of any good cause for such an interruption, existing in the relations between us and any other government ; and I firmly believe that a calm and statesmanlike course in the management of our relations with other powers, based upon broad national principles, and governed by the rule "to ask nothing which is not clearly right, and to submit to nothing which is wrong," will continue us in peace, or if it lead to a war, it will be such a war as every patriotic heart in the country will sustain and approve. That this rule will be the guide of the new administration, in its management of the foreign relations of the country, I fully believe.

Under these impressions in regard to our interests involved in the administration of the National Government, and in the strong assurance that the affairs of the State to be affected by your deliberations and action will be wisely disposed of ; with the continued smiles of that gracious Providence, which has hitherto so signally poured its blessings upon our country, I anticipate security and peace for our constituents, and prosperity for the State.

SILAS WRIGHT.

*Albany, January 7, 1845.*

On motion of Mr. Constant, .

*Ordered*, That the said message be committed to a committee of the whole house.

On motion of Mr. Bailey,

*Resolved*, That ten times the usual number of copies of the message of the Governor be printed for the use of the members of this House, and that three hundred and fifty copies be printed for the use of his Excellency the Governor.

[See Document No. 2.]

On motion of Mr. Morrison,

*Resolved*, That Mr. Mersereau, of Richmond, on account of his deafness, have leave to select his seat from the row nearest the Speaker's chair.

Mr. M. Brooks offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That a committee of three be appointed by the Chair, to prepare 128 ballots of uniform size, with numbers folded inside, for the purpose of drawing for seats by the members ; and when said ballots are prepared, they shall be placed in a box, located upon the Clerk's desk ; and when the roll shall be called, each member shall draw a number for himself, and publicly announce the same, and that the Clerk draw for the absentees.

Mr. Hannum moved to amend the said resolution, so that the same should read as follows :

*Resolved*, That a committee of three be appointed by the Chair, to prepare 127 ballots of uniform size, with numbers folded inside, for the purpose of drawing for seats for the members ; and when said ballots are prepared, they shall be placed in a box, located upon the Clerk's desk : When the roll be called, a messenger appointed by the Speaker shall draw a number for each member, as their names are called, and publicly announce the same.

But before any question was taken thereon, the House, on motion of Mr. Coe, adjourned until to-morrow morning at eleven o'clock.

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## WEDNESDAY, JANUARY 8, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. L. Scudder.

The minutes of yesterday were read and approved.

Mr. Speaker presented the petition of Abraham Acker, representing that he is entitled to a seat as member of the Assembly from the county of Cortland ; which was read, and referred to the committee on privileges and elections.

On motion of Mr. Coe,

*Resolved*, That the order of business, of "The presentation of petitions," be passed over.

A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
Albany, January 7, 1845. }

TO THE LEGISLATURE.

I transmit herewith the Annual Report of the Adjutant General, which, in addition to the information ordinarily communicated in that report, will furnish you with an accurate account of the military force

which has been called into the service of the State, as mentioned in my annual message.

SILAS WRIGHT.

[See Document No. 3.]

*Ordered*, That the said report be laid on the table.

The report of the joint committee of the Senate and Assembly, appointed to examine the Treasurer's accounts, was received and read.

[See Document No. 4.]

*Ordered*, That the said report be laid on the table.

On motion of Mr. Mather,

*Resolved*, That three hundred copies of the Adjutant General's report be printed for the use of the Military department.

A resolution of the Senate was received and read, in the words following, to wit :

*Resolved*, (if the Assembly concur,) That the joint rules of the Senate and Assembly, which were in force at the last session of the Legislature, be adopted for the government of the two houses during the present session.

On motion of Mr. Bailey,

*Ordered*, That the said resolution be laid on the table.

Mr. Hannum called for the consideration of the amendment offered by him yesterday to the resolution offered by Mr. M. Brooks ; which said amendment is in the words following, to wit :

*Resolved*, That a committee of three be appointed by the Chair, to prepare 127 ballots of uniform size, with numbers folded inside, for the purpose of drawing for seats for the members ; and when said ballots are prepared, they shall be placed in a box, located upon the Clerk's desk : When the roll shall be called, a messenger appointed by the Speaker shall draw a number for each member as their names are called, and publicly announce the same.

Mr. Speaker put the question whether the House would proceed to the consideration of the said amendment, and it was determined in the affirmative.

Mr. M. Brooks accepted the said amendment as a substitute for the resolution offered by him yesterday.

Mr. Speaker then put the question whether the House would agree to the resolution, as offered by Mr. Hannum, and it was determined in the affirmative.

Mr. Bailey gave notice that, at an early day, he would introduce a bill extending the jurisdiction of justice's courts, so as to give them cognizance of all actions against corporations for the sum of one hundred dollars or under ; and for the repeal of that part of subdivision third of section fourth of article first of chapter second of part third of the Revised Statutes, which may conflict with the bill to be so introduced.

Mr. Harris gave notice that, on some future day, he would ask leave



to introduce a bill, more effectually to prevent riots, and preserve the public peace.

Mr. Niven gave notice that he would ask leave, at an early day, to introduce a bill to prevent betting upon elections.

Mr. Bloss offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, (if the Senate concur,) That the following amendment to the Constitution of this State be adopted, to be prepared and published in the manner required by the Constitution in relation to amendments thereto :

So much of section first of article second, as prescribes a property qualification for colored voters, is hereby abrogated ; and in future, no other test, proof or qualification shall be required of or from persons of color in relation to their exercise of the right of suffrage, than is in this Constitution required of or from white persons.

*Ordered*, That the said resolution be laid on the table.

On motion of Mr. Sweeney,

*Resolved*, That the order of business, being "Motions, resolutions and notices," be passed over, and that the House proceed to ballot for seats for the members.

*Ordered*, That Mr. M. Brooks, Mr. Hannum and Mr. Bailey, be the committee to prepare such ballots.

Mr. T. R. Lee offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the Clerk be directed to furnish the members and officers of the House with all usual and proper articles of stationery, and that the expenses be defrayed out of the contingent fund of the house.

Mr. Spring moved to amend the said resolution, by inserting after the word "officers," the words "and reporters."

Mr. Speaker put the question whether the House would agree to the said amendment, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to the said resolution, as amended, and it was determined in the affirmative.

Mr. M. Brooks, from the committee to prepare ballots for the purpose of drawing seats, reported that the committee had discharged that duty.

Thereupon a messenger was appointed in accordance with the resolution, who drew the seats for the members as follows :

|                    |     |                      |    |
|--------------------|-----|----------------------|----|
| Mr. Bailey .....   | 99  | Mr. Bagg .....       | 98 |
| Mr. Barber .....   | 56  | Mr. J. Brooks .....  | 10 |
| Mr. Betts .....    | 37  | Mr. M. Brooks .....  | 89 |
| Mr. Bevins .....   | 11  | Mr. Brower .....     | 25 |
| Mr. Billings ..... | 108 | Mr. L. H. Brown ..   | 63 |
| Mr. Blake .....    | 62  | Mr. S. A. Brown ..   | 71 |
| Mr. Bloss .....    | 78  | Mr. A. H. Buell .... | 83 |
| Mr. Bachman .....  | 27  | Mr. T. Buel .....    | 92 |
| Mr. Boughton ..... | 110 | Mr. Bunker .....     | 21 |
| Mr. Bowen .....    | 86  | Mr. Burdick .....    | 97 |

|                      |     |                      |     |
|----------------------|-----|----------------------|-----|
| Mr. Bush .....       | 6   | Mr. M'Carthy .....   | 77  |
| Mr. Cameron .....    | 53  | Mr. M'Donald .....   | 33  |
| Mr. Carpenter .....  | 73  | Mr. M'Key .....      | 101 |
| Mr. Casner .....     | 91  | Mr. M'Vean .....     | 79  |
| Mr. Chase .....      | 84  | Mr. Mann .....       | 95  |
| Mr. Comstock .....   | 43  | Mr. Mather .....     | 54  |
| Mr. Constant .....   | 100 | Mr. Mersereau .....  | 14  |
| Mr. Coe .....        | 90  | Mr. C. B. Miller ..  | 39  |
| Mr. Collins .....    | 69  | Mr. S. Miller .....  | 51  |
| Mr. Crain .....      | 103 | Mr. Morris .....     | 40  |
| Mr. C. F. Crosby ..  | 16  | Mr. Morrison .....   | 125 |
| Mr. E. Crosby .....  | 67  | Mr. Moulton .....    | 115 |
| Mr. Culver .....     | 82  | Mr. Newkirk .....    | 34  |
| Mr. Danforth .....   | 61  | Mr. Niven .....      | 118 |
| Mr. Dayton .....     | 116 | Mr. Oakley .....     | 122 |
| Mr. Dewey .....      | 45  | Mr. Pardee .....     | 76  |
| Mr. Dickson .....    | 41  | Mr. Pierce .....     | 88  |
| Mr. Edwards .....    | 31  | Mr. Porter .....     | 107 |
| Mr. Fellows .....    | 85  | Mr. Preston .....    | 22  |
| Mr. Fenn .....       | 114 | Mr. De Puy .....     | 8   |
| Mr. Field .....      | 32  | Mr. Raymond .....    | 20  |
| Mr. Fonda .....      | 4   | Mr. Rice .....       | 44  |
| Mr. Frisbee .....    | 57  | Mr. Rogers .....     | 64  |
| Mr. Garretson .....  | 28  | Mr. Ross .....       | 5   |
| Mr. Gifford .....    | 30  | Mr. Russell .....    | 17  |
| Mr. G. Gould .....   | 55  | Mr. Sager .....      | 106 |
| Mr. D. Gould .....   | 87  | Mr. Salisbury .....  | 49  |
| Mr. Gregory .....    | 1   | Mr. Sears .....      | 113 |
| Mr. Hall .....       | 2   | Mr. Searing .....    | 124 |
| Mr. Hammond .....    | 66  | Mr. Sherman .....    | 25  |
| Mr. Hannum .....     | 48  | Mr. Skelton .....    | 65  |
| Mr. Harden .....     | 18  | Mr. A. C. Smith ..   | 74  |
| Mr. Harris .....     | 94  | Mr. W. Smith .....   | 24  |
| Mr. Harvey .....     | 12  | Mr. Spring .....     | 126 |
| Mr. Hazelton .....   | 38  | Mr. R. L. Stevenson, | 119 |
| Mr. Heermans .....   | 35  | Mr. J. Stevenson ..  | 75  |
| Mr. Hine .....       | 42  | Mr. Strobbridge ..   | 50  |
| Mr. Horton .....     | 58  | Mr. Sweeney .....    | 59  |
| Mr. Howard .....     | 68  | Mr. Tefft .....      | 52  |
| Mr. Hunt .....       | 70  | Mr. Thayer .....     | 3   |
| Mr. Huntington ..... | 15  | Mr. Thompson .....   | 60  |
| Mr. Jarvis .....     | 96  | Mr. Tibbits .....    | 112 |
| Mr. Johnson .....    | 111 | Mr. Titus .....      | 105 |
| Mr. Jones .....      | 72  | Mr. Tuthill .....    | 9   |
| Mr. Kinne .....      | 123 | Mr. Van Schoonhoven, | 36  |
| Mr. Knapp .....      | 109 | Mr. Van Valkenburgh, | 102 |
| Mr. D. Lee .....     | 26  | Mr. Walrath .....    | 120 |
| Mr. T. R. Lee .....  | 104 | Mr. Wells .....      | 19  |
| Mr. Litchfield ..... | 47  | Mr. Wheeler .....    | 121 |
| Mr. Long .....       | 46  | Mr. White .....      | 13  |

|                   |     |
|-------------------|-----|
| Mr. Whitney ..... | 128 |
| Mr. Wilcox .....  | 7   |
| Mr. Worden .....  | 93  |
| Mr. Wyckoff ..... | 117 |

|                    |    |
|--------------------|----|
| Mr. Winant.....    | 80 |
| Mr. A. W. Young .  | 81 |
| Mr. J. Young ..... | 29 |

A resolution of the Senate was received and read, in the words following, to wit :

*Resolved*, (if the Assembly concur,) That the joint library committee, to be appointed under the resolution of April 21st, 1840, shall consist of three members of the Senate and five members of the Assembly.

*Ordered*, That the said resolution be laid on the table.

On motion of Mr. J. Young,

The House then adjourned to eleven o'clock to-morrow morning.

## THURSDAY, JANUARY 9, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Z. Phillips.

The minutes of yesterday were read and approved.

On motion of Mr. T. R. Lee,

*Resolved*, That the order of business, being "The presentation of petitions," be passed over.

The Senate sent for concurrence, the bill entitled "An act to authorize the holding of a special court of oyer and terminer in and for the county of Columbia;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Oakley gave notice that he would ask leave, at an early day, to present a bill for the registry of voters in this State, for the purpose of preventing illegal voting.

Mr. Mather gave notice that he would, at an early day, move for leave to introduce a bill relative to the militia and public defence.

On motion of Mr. Coe,

*Resolved*, That the Clerk be directed, under the advice of the Speaker, to cause a railing to be erected across the Assembly chamber, at such distance in rear of the back tier of seats of members as to leave a convenient passage; and that the expense thereof be paid from the contingent fund of this house.

Mr. Garretson gave notice that he would, on some future day, introduce a bill repealing the mill tax.

Mr. Morrison gave notice that he would, at some future day, introduce a bill to abolish the right of the judges of the superior court and court of common pleas in the city of New-York to receive fees for chamber orders, and to give them salaries instead thereof.



Mr. Fenn gave notice that he would ask leave, at an early day, to present a bill for the payment of all jurors in the city and county of New-York.

Mr. Blake gave notice that, at an early day, he would ask leave to present a bill for the purpose of suppressing licentiousness.

On motion of Mr. Constant,

*Resolved*, That one hundred and fifty extra copies of the report of the joint committee of the Senate and Assembly on the Treasurer's accounts, be printed for the use of the Banking department.

Mr. M'Carthy gave notice that he would, on some future day, introduce a bill to renew and extend an act entitled "An act to increase the revenues of the State, by extending the market for salt, coal and lead."

Mr. Thompson gave notice that he would, at an early day, ask leave to introduce a bill to provide for the compensation of jurors and witnesses.

Mr. Thayer gave notice that, at some future day, he would ask leave to introduce a bill to renew and extend the act entitled "An act to provide for the construction of a railroad from Oswego to Syracuse," passed April 29th, 1839.

Mr. D. Lee gave notice that he would, at an early day, ask leave to introduce a bill relating to the ferry at Blackrock.

Mr. Morrison gave notice that he would, at some future day, introduce a bill to abolish the marine court in the city of New-York, extend the jurisdiction of the assistant justice's court in said city, abolish the salaries of the assistant justices and their clerks, and give them fees in lieu thereof.

Mr. Morrison gave notice that he would, at some future day, introduce a bill to abolish capital punishments.

The House then resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled "An act to authorize the holding of a special court of oyer and terminer in and for the county of Columbia;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Huntington, from the said committee, reported progress, and asked for and obtained leave to sit again.

On motion of Mr. Harris,

The House then adjourned to eleven o'clock to-morrow morning.

## FRIDAY, JANUARY 10, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. A. Bronson.

The minutes of yesterday were read and approved.

On motion of Mr. Coe,

*Resolved*, That the present order of business, consisting of "The presentation of petitions," be passed over.

Mr. Niven, from the select committee on the rules and orders, reported in part, and concluded by recommending the adoption of the rules and orders of the last session, without amendment.

Mr. Speaker put the question whether the House would agree with the committee in their said report, and it was determined in the affirmative.

The said rules and orders are as follows, to wit :

## RULES AND ORDERS OF THE ASSEMBLY.

1. Upon the appearance of a quorum, the Speaker having taken the chair, and the members being called to order, the journal of the preceding day shall be read, to the end that any mistakes therein may be corrected by the House : and in all cases of the absence of a quorum the members present may take such measures as shall be necessary to procure the attendance of absent members ; and the Speaker, with the consent of the majority of the members present, may adjourn from day to day until a quorum shall appear.

2. After the reading and approving of the journal, the order of business, which shall not in any case be departed from, except by the unanimous consent of the House, shall be as follows :

1. The presentation of petitions.
  2. Reports of standing committees.
  3. Reports of select committees.
  4. Messages from the Governor.
  5. Communications from the State officers.
  6. Messages from the Senate.
  7. Third reading of bills and resolutions.
  8. Motions, resolutions and notices.
  9. Unfinished business of the preceding day.
  10. Special orders of the day ; and if in any case the unfinished business of the preceding day shall have taken the place of special orders, these orders shall be taken up and acted on in their order of time.
  11. Unfinished business generally.
  12. General orders of the day ; but messages from the Governor, communications from State officers, and messages from the Senate may be considered at any time.
3. Motions for reference to different committees shall be put in the following order :

1. The committee of the whole.
2. To a standing committee.
3. To a select committee.
4. No bill laying a tax, or making any appropriation or disposition of the public moneys or property, or authorizing the borrowing of money, or the loaning of money, or of the credit of the State, shall be ordered to a third reading without having been acted on in committee of the whole.
5. The Speaker shall cause the Clerk to make a list of all bills, resolutions and reports of committees, and other proceedings of the House which are committed to a committee of the whole, and not made the special order of the day for any particular day; which list shall be called "*The General Orders of the Day*."
6. All questions relating to the priority of business, shall be decided without debate.
7. The Speaker shall preserve order and decorum, and shall decide all questions of order, subject to appeal to the House. On every appeal from the decision of the Speaker, he shall have the right in his place to assign his reasons for his decision. He shall have the right to name any member to perform the duties of the chair, but such a substitution shall not extend beyond one day, unless by leave of the House.
8. When the House shall be equally divided, including the Speaker's vote, the question shall be lost.
9. While the Speaker is putting the question, no member shall walk across, or out of the House.
10. When the House adjourns, the members shall keep their seats until the Speaker shall have left the chair.
11. Every member previous to his speaking, shall rise from his seat and address himself to the Speaker.
12. When two or more members rise at once, the Speaker shall name the member who is first to speak.
13. No member shall speak more than twice to the same general question without leave of the House; nor more than once in any case, until every member choosing to speak shall have spoken.
14. While a member is speaking, no member shall entertain any private discourse, or pass between him and the chair.
15. A member called to order shall immediately sit down, unless permitted to explain. All decisions of the chair on questions of order shall be conclusive, unless reserved on appeal to the House.
16. Every member who shall be present when a question is stated from the chair, shall vote thereon, unless he be excused by the House, or unless he be directly interested in the question, in which case he shall not vote. No member shall be permitted to vote on any question, unless present when, upon such a division, his name is called in regular order.
17. Petitions, memorials, and other papers addressed to the House shall be presented by the Speaker, or by a member in his place.
18. Every member previous to presenting a petition or memorial shall endorse on the same the substance thereof, and add his name;



the clerk shall then read the endorsement ; after which, the Speaker shall put the question on the reference of said petition or memorial.

19. No motion shall be debated or put, unless it be seconded ; when a motion is seconded, it shall be stated by the Speaker before debate ; and every such motion shall be reduced to writing, if the Speaker or any member desire it.

20. After a motion is stated by the Speaker, it shall be deemed to be in the possession of the House, but may be withdrawn at any time before a decision or amendment.

21. If the question in debate contain several distinct propositions, any member may have the same divided ; but a motion to strike out and insert shall be indivisible.

22. When a blank is to be filled, and different sums or times are proposed, the question shall first be put on the largest sum and longest time.

23. When a question is under debate, no motion shall be received unless for a call of the House, for the previous question, to postpone it indefinitely, to adjourn it to a certain day, to lay it on the table, to commit it, to amend it, or to adjourn the House.

24. A motion to lay a question on the table shall be decided without amendment or debate ; a motion to commit, until it is decided, shall preclude all amendment and debate of the main question ; and a motion to postpone a question indefinitely, or to adjourn it to a day certain, until it is decided, shall preclude all amendment of the main question.

25. The " previous question " shall be as follows—"*Shall the main question be now put ?*" It shall be admitted only when demanded by a majority of the members present, and until it is decided, shall preclude all amendment or debate. When on taking the previous question, the House shall decide that the previous question shall not now be put, the main question shall be considered as still remaining under debate. The " main question " shall be on the passage of the bill, resolution, or other matter under consideration ; and in cases where there shall be pending amendments which have been adopted in committee of the whole, but not acted on in the House, the question shall first be taken upon such amendments in their order, and without further debate or amendment.

26. A motion to adjourn the House shall always be in order, and decided without debate.

27. In all cases where a bill, order, resolution or motion, shall be entered on the journal of this House, the name of the member moving the same shall also be entered on the journal.

28. If any ten members require it, the ayes and nays upon any question shall be taken and entered upon the journal.

29. All committees shall be appointed by the Speaker, unless otherwise specially directed by the House, in which case they shall be appointed by ballot.

30. Select committees to whom original references are made, and all committees to whom private claims are referred, shall in all cases report a state of facts with their opinions thereon.

31. Every bill originating in this House, shall be introduced by mo-

tion for leave, or by an order of the House and the report of the committee. One day's notice at least shall be given of a motion for leave to bring in a bill, unless the House otherwise unanimously allow ; such notices shall specify the subject matter of such bill ; and all resolutions of reference and instruction to committees shall state the subject to be referred.

32. All bills brought into this House by any member or committee, shall be endorsed with the name of the member or committee bringing in the same ; all bills introduced by members on leave shall be referred to one of the standing committees, or to a select committee ; such committee may report adversely to the entire bill with or without amendment, and the bill, if any, reported by such a committee, shall then become the bill before the House for consideration.

33. No private bill shall be brought into this House, but upon a memorial or petition presented to the House, and signed by the party or parties praying for such bill, except by the unanimous consent of the House.

34. No bill shall be committed or amended until it has been twice read.

35. Every message from the Senate communicating any bill for the concurrence of this House, shall, with the accompanying documents, if any, be referred to a standing or select committee to consider and report thereon.

36. All amendments by the Senate to bills which have passed this House, shall be referred to a standing or select committee, to examine and report thereon, unless the House shall otherwise expressly order or allow.

37. In forming a committee of the whole House, the Speaker shall leave the chair, and a chairman be appointed to preside.

38. The rules of the House shall be observed in the committee of the whole House, except the rules respecting a call for the ayes and nays and times of speaking.

39. Bills committed to a committee of the whole House, shall, in committee of the whole thereon, be first read through, if desired by any member, and then read and debated by clauses, leaving the title to be last considered. All amendments shall be noted on a separate piece of paper, and reported to the House by the chairman of the committee of the whole : After the report, the bill shall be still subject to debate and amendment before the question to engross is put ; and such amendments only shall be in order, as were offered and decided in committee of the whole House.

40. A similar mode of proceeding shall be observed with bills which have originated in the Senate, as with bills originating in this House.

41. If, at any time when in committee of the whole House, there be not present a quorum to do business, the chairman shall immediately report that fact to the Speaker.

42. On a motion in committee of the whole House to rise and report progress, the question shall be decided without debate.

43. Every bill shall receive three several readings previous to its

being passed; and the second and third readings shall be on different days; and the third reading shall be on a day subsequent to that on which the bill passed in committee of the whole House, unless the House unanimously direct otherwise.

44. A standing committee of five members shall be appointed to be called "the committee on engrossed bills;" whose duty it shall be carefully to examine all the bills passed by this House, and see that the same are correctly engrossed, and report the same to the House before they are signed by the Speaker.

45. Reports from the committee on engrossed bills shall at all times be in order, and have the preference to any other business.

46. When a bill passes the House, the Speaker shall certify the same with the date thereof, at the foot of the bill.

47. No motion for reconsideration shall be in order unless on the same day or day following that on which the decision proposed to be reconsidered took place; nor unless one of the majority shall move such consideration. A motion for reconsideration being put and lost, shall not be renewed; nor shall any subject be a second time reconsidered, without unanimous consent.

48. A standing committee of five members shall be appointed on bills coming within the ninth Section of the seventh Article of the amended Constitution of this State; and when any bill shall have passed in committee of the whole House, on which the Speaker may entertain doubts whether it comes within the provision of the said ninth section, it shall be referred to the said committee to examine and report thereon, before the question on the final passage shall be taken.

49. On the final passage of all bills requiring two-thirds, the ayes and nays shall be taken and entered on the Journal, and the Speaker shall certify upon every such bill, when passed, that two-thirds of all members elected to this House voted in favor of the same.

50. A motion to reconsider the vote on the final passage of any bill, requiring the assent of two-thirds of all the members elected to this House, shall be made by a member who voted in favor of the decision of the House on the question on the final passage of the bill; and two-thirds of the members elected to the House shall be required to reconsider the same; and such vote shall not be a second time reconsidered. But the vote on the final passage of any bill creating, continuing, altering or renewing any moneyed incorporation shall not be reconsidered whenever such bill shall be lost.

51. No standing rule or order of this House, shall be suspended, changed or rescinded, without one day's previous notice being given of the motion therefor; nor shall the fiftieth rule be altered, changed, rescinded or suspended, unless two-thirds of all members elected to this House agree to such alteration, change, rescinding or suspension.

52. No person, unless in the exercise of an official duty, or by special invitation of a member, shall be admitted on the floor of the House, except the Executive, State Officers, the Chancellor, the Judges of the Supreme Court, and circuit judges, members of the Senate, and former members of the Legislature.

53. Standing committees, consisting of five members each, shall be appointed on the following subjects:



Ways and Means,  
 Canals,  
 Judiciary,  
 Railroads,  
 Banks and Insurance Companies,  
 Two-third Bills,  
 Colleges, Academies and Common Schools,  
 Grievances,  
 Privileges and Elections,  
 Petitions of Aliens,  
 Erection and Division of Towns and Counties,  
 Claims,  
 Internal Affairs of Towns and Counties,  
 Medical Societies and Colleges,  
 Incorporation of Cities and Villages,  
 Manufacture of Salt,  
 Trade and Manufactures,  
 State Prisons,  
 Engrossed Bills,  
 Militia and Public Defence,  
 Roads and Bridges,  
 Public Lands,  
 Indian Affairs,  
 Charitable and Religious Societies,  
 Agriculture,  
 Expiring Laws,  
 Public Printing,  
 Expenditures in the Executive Department,  
 Expenditures of the House.

And it shall be the duty of each of the several committees to inquire into the matters indicated by its name, and to report thereon to the House any information, and any bill or resolution, which it may deem conducive to the public good.

54. No printing shall be done for the House without the order of the House made in each case, except in the case of bills reported favorably upon by a committee of the House, and the written reports of standing committees.

55. It shall be the duty of the committee on public printing to examine and report on all questions of printing referred to them, and to state an approximate estimate of the cost in the particular case referred, when practicable; to examine from time to time, and ascertain whether the prices charged for printing are in conformity to the contract therefor, and whether it is done in conformity to the orders of the House, and without unreasonable delay; to ascertain and report what number of copies ought usually to be printed, and how distributed, and to report to the House, from time to time, any measures they may deem useful for the economical and proper management of the public printing.

56. It shall be the duty of the committee on expenditures of the House, and in the Executive Department, severally to inquire into

the said expenditures, and whether the same have been made in conformity to law, and whether proper vouchers exist for the same, and whether the funds provided for the purpose are economically applied, and to report from time to time, such provisions, laws and regulations, as may conduce to economy, and secure the faithful disbursement of the moneys appropriated by law.

57. Resolutions giving rise to debate, and those containing calls for information from the Executive Department, shall lie over one day for consideration, after which they may be called up, by the mover, of course, under that order of business.

58. It shall be the duty of the committee on ways and means to examine into all the departments of the government, whether Executive, Legislative, Judicial, or otherwise, where salaries or emoluments are given; to examine, ascertain and report to the House what officers can be dispensed with, and what salaries and emoluments can be reduced, and how far consistent with the public good.

[See Document No. 5.]

A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
*Albany, January 10, 1845. }*

TO THE LEGISLATURE.

Not having observed, at the time of the transmission of my annual message, that our statute seems to require that notice should be given to the Legislature of vacancies existing in the offices of senator of the United States from this State, the subject was not adverted to in that communication. The resignations of both the late senators from this State have since been placed in my hands, by the late Governor; the one received by that officer on the twenty-first, and the other on the twenty-sixth of November last.

I communicate the fact that these resignations were then made, as a notice to you that the offices of both the senators from this State became vacant during the last recess of the Legislature. The places are now filled by executive appointments, and, in conformity with the statute referred to, will call for your early action.

SILAS WRIGHT.

*Ordered,* That the said message be laid on the table.

Mr. Hannum gave notice that he would, at an early day, introduce a bill, allowing the people of the several towns and cities of the State of New-York to say whether license or no license shall be granted for the sale of intoxicating liquors.

Mr. J. Young gave notice that he would, on some future day, ask leave to introduce a bill in relation to the temporary relief of the poor of the county of Livingston.

On motion of Mr. Horton,

*Resolved,* That the Clerk procure to be printed, six hundred copies of the list of members of the House, with their residences, for the accommodation of its members.

[See Document No. 15.]

Mr. Hine gave notice that, at some early day, he would introduce a bill for making the office of district attorney in the county of Ulster, a salary office.

Mr. Bailey gave notice that he would, at an early day, ask leave to introduce a bill to recharter the West-Point Foundry Association.

Mr. Barber gave notice that, at some future day, he would ask leave to bring in a bill to make the office of district attorney for the county of Cortland a salary office.

Mr. M'Key gave notice that he would, on some future day, ask leave to introduce a bill to amend the act entitled "An act to reduce the number of canal commissioners, and provide for their election by the people," passed May 6th, 1844.

Mr. Frisbee gave notice that he would, at an early day, introduce a bill to amend the act to incorporate the village of Fredonia, so as to increase the number of overseers of highways, and to facilitate the opening and laying out streets.

Mr. Van Valkenburgh gave notice that he would, at an early day, introduce a bill providing appropriations for repairs on the Crooked Lake Canal.

In pursuance of previous notice, Mr. Thayer asked for and obtained leave to bring in a bill, entitled "An act to amend the charter of the Oswego and Syracuse Railroad Company;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on railroads.

Mr. Moulton gave notice that he would, on some future day, introduce a bill to provide the clerk of the court of general sessions, and register of the city of New-York, with seals.

Mr. D. Lee gave notice that he would, at an early day, ask leave to introduce a bill to allow the common council of the city of Buffalo to fund the public debt of said city.

Mr. Morrison gave notice that, at some future day, he would introduce a bill to allow a party plaintiff in suits on contract to recover of any defendant against whom he proves a demand, and to give costs to those against whom he fails.

In pursuance of previous notice, Mr. Niven asked for and obtained leave to bring in a bill, entitled "An act to preserve the purity of elections;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on privileges and elections.

The House then again resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled "An act to authorize the holding of a special court of oyer and terminer in and for the county of Columbia;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Huntington, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.



*Ordered*, That the said bill be engrossed for a third reading.

Mr. Speaker announced the appointment of the standing committee on privileges and elections, to consist of Mr. Niven, Mr. C. B. Miller, Mr. Morris, Mr. Harris and Mr. Horton.

A communication from the Treasurer was received and read, in the words following, to wit :

TREASURER'S OFFICE, }  
Albany, January 9, 1845. }

TO THE SPEAKER OF THE ASSEMBLY.

SIR,

I have the honor herewith to transmit to the Legislature my Annual Report.

With great respect,

Your obedient servant,

THOMAS FARRINGTON, *Treasurer*.

[See Document No. 6.]

On motion of Mr. M. Brooks,

*Ordered*, That two hundred and fifty extra copies of the said report be printed for the use of the Treasurer.

On motion of Mr. Coe,

The House then adjourned to eleven o'clock to-morrow morning.

## SATURDAY, JANUARY 11, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. M. L. Scudder.

The minutes of yesterday were read and approved.

On motion of Mr. Hannum,

*Resolved*, That the present order of business, consisting of "The presentation of petitions," be passed over.

A report of the Secretary of State, relative to the publication of the proposed amendments to the Constitution, was received and read, in the words following, to wit :

STATE OF NEW-YORK, }  
SECRETARY'S OFFICE, }  
Albany, Jan. 11, 1845.

TO THE LEGISLATURE.

The duty enjoined upon the Secretary of State by the concurrent resolutions of the Senate and Assembly of the 6th and also of the 7th of May last, has been performed; and the several proposed amendments to the Constitution which, during the last session of the Legislature, were passed, by each of the Houses, by the constitu-

tional vote, have been published for three months next preceding the last general election, once in each week, in the State paper, and also in one newspaper in each county of this State in which a paper was published, as will appear by the affidavit of each of the publishers, which affidavits are herewith transmitted. A schedule also accompanies this, containing the names of all the counties alphabetically arranged, and the name of the paper in each county in which publication was made, with the exception of the counties of Hamilton and Rockland, in which no paper was published.

A copy of the said several proposed amendments is also herewith transmitted.

All which is respectfully submitted.

S. YOUNG, *Secr'y of State.*

## PROPOSED AMENDMENTS TO THE CONSTITUTION.

### RESOLUTION

*Proposing certain Amendments to the Constitution, in relation to State debt and liability.*

*Resolved*, (if the Senate concur,) That the following Amendments be proposed to the Constitution of this State, and that the same be referred to the Legislature next to be chosen, and published in the manner prescribed by the eighth article of the Constitution :

#### AMENDMENT No. 1.

The pledges and guarantees of the act, entitled "An act to provide for paying the debts and preserving the credit of the State," passed March 29, 1842, are hereby confirmed ; and the revenues specified therein shall be applied to the purposes therein specified, including the repayment to the United States Deposit Fund, and to the Common School Fund, of all moneys of the said funds, which have been or shall be invested in pursuance of the said act, in such equal annual sums as will be sufficient to pay in full, both principal and interest, all the debts and liabilities of this State, as they existed at the time of the passage of the said act ; and also all the debts and liabilities of the State authorized by said act to be created and incurred, and which have been created and incurred by authority of, and pursuant to said act, in the period of twenty-two and a half years from the time said act was passed and took effect ; and the Legislature shall not divert any part of the revenues appropriated by said act, requisite to pay in full, both principal and interest, all the debts and liabilities of the State herein before specified, within the fixed period of time, and in the equal annual sums hereinbefore expressed, from the purposes to which they are hereinbefore directed to be applied.

#### AMENDMENT No. 2.

The Legislature shall not in any manner create any debt or debts, liability or liabilities of the State, direct or contingent, which shall singly or in the aggregate, at any time, exceed one million of dollars,

except to repel invasion, or suppress insurrection, unless the same shall be authorized by law for some single object or work, to be distinctly specified therein ; and such law shall impose and provide for the collection of a direct annual tax sufficient to pay the interest of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within eighteen years from the time of the contracting thereof ; and no such law shall take effect until it shall, at a general election, have been submitted to the people, and have received the sanction of a majority of all the votes cast for and against it at such election. And on the final passage of every such bill, in either house of the Legislature, the question shall be taken by ayes and nays, duly entered on the journal, and shall be, " Shall this bill pass, and ought the same to receive the sanction of the people ?" and the assent of a majority of the members elected to each house of the Legislature shall be requisite to the passage of such bill ; and such law shall be irrevocable until such debt or liability, and the interest thereon, are fully paid and discharged ; and the moneys arising from any loans or stocks creating such debt or liability, shall be applied to the object or work specified in the act authorizing such debt or liability, or for the payment of such debt or liability, and to no other purpose whatever. Where a debt or liability on the part of the State shall be created to repel invasion or suppress insurrection, the moneys arising from the loans or stock creating such debt or liability, shall be applied to the purpose for which the same were raised, or for the repayment of such debt or liability, and to no other purpose whatever.

### RESOLUTION

*Proposing an Amendment to the Constitution, in relation to the Court of Chancery.*

*Resolved*, (if the Assembly concur,) That the following Amendment be proposed to the Constitution of this State, and that the same be referred to the Legislature next to be chosen, and published in the manner prescribed by the eighth article of the Constitution :

### AMENDMENT.

The Court of Chancery shall consist of the Chancellor and three Associate Chancellors, any of whom may hold the court. The said Associate Chancellors shall have the same powers, be appointed in the same manner, hold their offices by the same tenure, and be subject to the same disqualifications as to holding any other office or public trust, or receiving votes for any elective office, as the Chancellor.

### RESOLUTION

*Proposing an Amendment to the Constitution, in relation to the Supreme Court.*

*Resolved*, (If the Assembly concur,) That the following Amendment be proposed to the Constitution of this State, and that the same be referred to the Legislature next to be chosen, and published in the manner prescribed by the eighth article of the Constitution :



## AMENDMENT.

Two additional Justices of the Supreme Court shall be appointed, who shall have the same powers, be appointed in the same manner, hold their offices by the same tenure, and be subject to the same disqualifications as to holding any other office or trust, or receiving votes for any elective office, as the other justices of that court.

## RESOLUTION

*Proposing an amendment to the Constitution, in relation to the removal of judicial officers.*

*Resolved*, (if the Assembly concur,) That the following Amendment be proposed to the Constitution of this State, and that the same be referred to the Legislature next to be chosen, and published in the manner prescribed by the eighth article of the Constitution :

## AMENDMENT.

No judicial officer shall be removed by the joint resolution of the two Houses of the Legislature, or by the Senate on the recommendation of the Governor, unless the cause of such removal shall be entered on the journal of both Houses, or of the Senate, as the case may be ; and such officer against whom the Legislature or the Senate may be about to proceed shall be served with notice thereof, accompanied with a copy of the causes alleged for his removal, at least twenty days before the day on which either house shall act thereupon, and shall have an opportunity to be heard in his defence before any question shall be taken upon such removal : and the yeas and nays shall be entered upon the Journals of the Senate, or Houses, as the case may be.

## RESOLUTION

*Proposing an amendment to the Constitution, to abrogate the property qualification for office.*

*Resolved*, (if the Assembly concur,) That the following Amendment be proposed to the Constitution of this State, and that the same be referred to the Legislature next to be chosen, and published in the manner prescribed by the eighth article of the Constitution :

## AMENDMENT.

No property qualification shall be required to render a person eligible to or capable of holding any office or public trust in this State.

[See Document No. 7.]

*Ordered*, That the said report be laid on the table.

A communication from the Chancellor of the University was received and read, in the words following, to wit :

TO THE HON. THE LEGISLATURE OF THE STATE OF  
NEW-YORK.

I am directed by the Regents of the University to announce to the Legislature, that the seat of William Campbell, as a member of their board, has become vacant by his death.

PETER WENDELL, *Chancellor.*

*Albany, January 10, 1845.*

The House then proceeded to the consideration of the following resolution from the Senate, to wit :

*Resolved*, (if the Assembly concur,) That the joint library committee, to be appointed under the resolution of April 21st, 1840, shall consist of three members of the Senate and five members of the Assembly.

The same having been read,

Mr. Speaker put the question whether the House would concur with the Senate in their said resolution, and it was determined in the affirmative.

*Ordered*, That the Clerk return the said resolution to the Senate, and inform them that the Assembly have concurred in the same without amendment.

The engrossed bill from the Senate, entitled "An act to authorize the holding of a special court of oyer and terminer in and for the county of Columbia," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.

} AYES 104 }  
} NAYS 19 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |                |                 |
|-----------------|----------------|-----------------|
| Mr. Bachman     | Mr. Garretson  | Mr. Pardee      |
| Mr. Bagg        | Mr. Giffard    | Mr. Pierce      |
| Mr. Barber      | Mr. D. Gould   | Mr. Preston     |
| Mr. Billings    | Mr. G. Goold   | Mr. Raymond     |
| Mr. Blake       | Mr. Gregory    | Mr. Rice        |
| Mr. Bloss       | Mr. Hall       | Mr. Rogers      |
| Mr. Bowen       | Mr. Hammond    | Mr. Ross        |
| Mr. M. Brooks   | Mr. Hannum     | Mr. Russell     |
| Mr. Brower      | Mr. Harden     | Mr. Salisbury   |
| Mr. L. H. Brown | Mr. Hazelton   | Mr. Searing     |
| Mr. S. A. Brown | Mr. Hine       | Mr. Sears       |
| Mr. A. H. Buell | Mr. Horton     | Mr. Sherman     |
| Mr. T. Buel     | Mr. Howard     | Mr. Skelton     |
| Mr. Bunker      | Mr. Hunt       | Mr. A. C. Smith |
| Mr. Burdick     | Mr. Huntington | Mr. W. Smith    |
| Mr. Bush        | Mr. Jarvis     | Mr. Speaker     |

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Cameron      | Mr. Johnson      | Mr. Spring          |
| Mr. Carpenter    | Mr. Jones        | Mr. R. L. Stevenson |
| Mr. Casner       | Mr. Kinne        | Mr. Strobbridge     |
| Mr. Coe          | Mr. Knapp        | Mr. Tefft           |
| Mr. Collins      | Mr. D. Lee       | Mr. Thayer          |
| Mr. Comstock     | Mr. Long         | Mr. Thompson        |
| Mr. Constant     | Mr. M'Carthy     | Mr. Titus           |
| Mr. Crain        | Mr. M'Key        | Mr. Tuthill         |
| Mr. C. F. Crosby | Mr. M'Vean       | Mr. Van Valkenburgh |
| Mr. E. Crosby    | Mr. Mann         | Mr. Walrath         |
| Mr. Culver       | Mr. Mather       | Mr. Wells           |
| Mr. Danforth     | Mr. Mersereau    | Mr. Wheeler         |
| Mr. De Puy       | Mr. C. B. Miller | Mr. Whitney         |
| Mr. Dewey        | Mr. S. Miller    | Mr. Worden          |
| Mr. Dickson      | Mr. Morris       | Mr. Wyckoff         |
| Mr. Edwards      | Mr. Moulton      | Mr. Winant          |
| Mr. Fellows      | Mr. Newkirk      | Mr. A. W. Young     |
| Mr. Fenn         | Mr. Niven        | Mr. J. Young        |
| Mr. Frisbee      | Mr. Oakley       |                     |

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Those who voted in the negative are

|              |               |                     |
|--------------|---------------|---------------------|
| Mr. Bailey   | Mr. Harris    | Mr. Porter          |
| Mr. Betts    | Mr. Harvey    | Mr. Sager           |
| Mr. Bevins   | Mr. Heermans  | Mr. Sweeney         |
| Mr. Boughton | Mr. T. R. Lee | Mr. Tibbitts        |
| Mr. Chase    | Mr. M'Donald  | Mr. Van Schoonhoven |
| Mr. Field    | Mr. Morrison  | Mr. White           |
| Mr. Fonda    |               |                     |

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*Ordered,* That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

In pursuance of previous notice, Mr. J. Young asked for and obtained leave to bring in a bill, entitled "An act to provide for the temporary relief of the poor of the county of Livingston;" which was read the first time, and by unanimous consent was also read a second time, and, on motion of Mr. J. Young, ordered to be laid on the table.

Mr. Van Valkenburgh gave notice that he would, at some future day, introduce a bill to amend the charter of the village of Bath in the county of Steuben.

On motion of Mr. D. Lee,

*Resolved,* That the State Agricultural Society have permission to hold their annual meeting in the Assembly chamber, on Wednesday evening next.

Mr. Bush gave notice that he would, at an early day, ask leave to introduce a bill, requiring the receivers of the Commercial and City Banks of Buffalo to sell the assets of said banks in the city of Buffalo.

Mr. Niven gave notice that he would, at an early day, ask leave to introduce a bill reducing the rate of interest to six per cent per annum.

Mr. Huntington gave notice that he would, at a future day, ask leave to bring in a bill to amend the charter of the village of Geneva.



Mr. Chase gave notice that, at an early day, he would ask leave to introduce a bill repealing the charter for the turnpike road running from Owego southerly to the Pennsylvania line, and for districting the same.

Mr. C. F. Crosby gave notice that he would, at some future day, ask leave to introduce a bill to incorporate the fire department of the village of West-Troy.

On motion of Mr. De Puy,

*Resolved*, That the Adjutant General be requested to furnish the Assembly with the proportion of adopted citizens composing the military force ordered to, and now in, the city of Hudson, for the purpose of preserving the public peace.

In pursuance of previous notice, Mr. M'Key asked for and obtained leave to bring in a bill, entitled "An act to amend the act entitled 'An act to reduce the number of canal commissioners, and to provide for their election by the people,' passed May 6th, 1844 ;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on canals.

The report of the Leather Manufacturers' Bank in the city of New-York, relative to unclaimed dividends and deposits, was received and read.

[See Document No. 9.]

*Ordered*, That the said report be laid on the table.

On motion of Mr. E. Crosby,

The House then adjourned to eleven o'clock on Monday morning.

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## MONDAY, JANUARY 13, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. W. H. Campbell.

The minutes of Saturday were read and approved.

On motion of Mr. Harris,

*Resolved*, That the present order of business, consisting of "The presentation of petitions," be passed over.

The report of the Trustees of the State Library, on the expediency of purchasing, for the use of the State, the library of David B. Warden of Paris, consisting of books relating to America, was received and read, in the words following, to wit :

To the Hon. HORATIO SEYMOUR,

*Speaker of the Assembly :*

SIR—It appears by the Journals of your House, that on the 18th of April, 1843, the following resolution was adopted by the Hon. the Assembly :

"*Resolved*, That the Trustees of the State Library be directed to en-

quire into the expediency of purchasing for the use of the State, the collection of books, maps, &c., now in the possession of Mr. Warden of Paris, relating to America."

This subject has subsequently been brought before the consideration of the Trustees, on an independent application for the purchase of said library. It was referred to the investigation of a committee whose report has been received and approved by the Trustees, and I herewith transmit to you the same.

I remain, respectfully,

Your obed't serv't,

PETER WENDELL,

*Chancellor of the University.*

*Albany, January 13, 1845.*

## TO THE HONORABLE THE ASSEMBLY OF THE STATE OF NEW-YORK.

The Trustees of the State Library respectfully report :

The library of Mr. Warden, as offered for sale to the State of New-York, consists, according to a printed and an additional manuscript catalogue, furnished by Isaiah Townsend, Esq., of this city, of the following books, maps, charts, &c.:

- 96 volumes in folio.
- 504 volumes in quarto.
- 1,248 volumes in octavo.
- 336 volumes in duodecimo.
- 1 volume in 18mo.

2,185 volumes and of 12 atlases, 121 separate maps, charts and plans, 9 medals and 2 prints.

The books are classified as follows in the catalogue :

*Universal Geography, Topography and Statistics, including those of America.*—This comprises about 67 volumes, and among these are the works of Heylin, Thevet, Montpalare, Mallet, Barrow, and of a number of modern geographers.

*The Geography and Topography of North and South America.*—The catalogue of this department is quite extensive, occupying seventeen pages of the printed catalogue and a portion of the manuscript one. Among these are the works of Peter Martyr, De Bry in four volumes (all relating to America), Acosta, Ramusio, Herrera, Purchas, De Laet, Piso, Thevenet, Las Casas, Garcia, Don Ulloa, Navarette, Hakluyt, Dampier, Anson, Phipps, Forster, La Perouse, Portlock and Dixon, Vancouver, Billings, D'Entrecasteaux and many others of a similar character. It includes, also, *Recopilacion de Leyes de Los Reynos de las Indias*, in 4 vols. folio, 1681.

*Martiniere, Geographical and Historical Dictionary*, in 6 vols. folio.  
*Prevost, Histoire Generale des Voyages*, 23 vols. 4to&8vo.

*Robin's Voyage to the United States in 1781*, and his Campaign with Count Rochambeau.

Count De Grasse's Memoir on the Naval Engagement of April 12, 1782.

*History of North and South America.*—Including Herrera (several of his works), Gomara, Las Casas (Venice, 1630), Vasconcelos, Torquemada, Osorio, Tournon, Abbe Raynal, Mariana, and several English Historians, with a number of modern works.

*Geography, Topography and Statistics of South America, in general, and of the respective Countries in it.*—This is an important and extensive division, occupying thirteen pages of the printed catalogue and several of the manuscript one. Of the general works may be enumerated those of the Ulloas, Coudamine, Depons, De Azara, Helmes, Humboldt and Bonpland (in 3 vols. 4to), the *Geographico, Historical Dictionary*, in Spanish and English, of Alcedo, each in five volumes, and the more modern works of Bonnycastle, Brackenridge, Waterton and Miers.

On Brazil, specially, there are fourteen volumes.

On Columbia, there are twenty-eight volumes.

On Guiana, Cayenne, &c., there are thirty-two volumes.

On Peru, there are twenty-two volumes.

On the Argentine Republic, there are twelve volumes.

On Paraguay, there are eight volumes.

On Chili, there are ten volumes.

*North America, (late Spanish Possessions).*—On Mexico, there are 30 volumes, and of these are the works of De Solis, Clavigero, Diaz del Castillo, Lorenzana, Gomara, Padilla, and a copy of the *Antiquities Mexicanes*, in two volumes folio, published under the auspices of the French government, and sold at \$110 per copy.

On Guatemala, one volume.

On California, four volumes.

*United States of America.*—This occupies upwards of forty octavo pages of the Catalogue. Under the general head (eight pages) are to be found the works of La Hontan, Kalm, Robert Rogers, Denton, Douglas, Carver, Bossu, Brissot de Warville, Imlay, La Rochefoucauld Liancourt, Pictet, Chastellux, Moser, Schopf, Cooper, Coxe, Bonnet, Volney, Michaux, Robin, Stoddart, Bradbury, Nuttall, Long, James, Beltrami, Schoolcraft, Flint, Pike, Silliman, Dwight, Melish, Beaujour, Turreau and Collet, and a very interesting work to us as Americans, being a copy of the original edition of General Chastellux's *Travels from Newport to Philadelphia, Albany, &c.*, printed on board the French squadron at Newport, and of which only twenty-seven copies were taken. This was obtained from the Empress Josephine's library at Malmaison.

*History of the United States, (7 pages.)*—Among these are Penhallow, Burke, Prince, Oldmixon, Bouquets' Expedition against the Ohio Indians in 1764, Raynal, Hazard, Boucher, Chalmers' Political Annals, and a number of histories and works elucidatory of the revolution, and of the war of 1812.

*Works relating to the Indians of North America.*—Thirteen volumes.

*Ecclesiastical Works.*—These are principally narratives of events  
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occurring in New France, (Canada,) related by the Catholic missionaries, and if complete are very valuable.

*Education, Commerce and Agriculture.*—The names of works on these occupy five pages, and they include several valuable works on neutral commerce, and the questions arising from it.

*Laws, Constitutions, &c., of the United States, (3 pages.)*

*Scientific works, Botany, Mineralogy, (4 pages.)*—The Transactions of Learned Societies; the Botanical Works of Schoepf, Pulteney, Marshall, Michaux, Nuttall, Jacquin, Walter, Plumier, and the mineralogical one of Cleaveland, &c.

*Political works relating to the United States, (4 pages.)*—Several interesting works illustrative of history. Marbois on the Treason of Arnold, Richard Price and others on the American Contest, Affairs of England in North America, fourteen volumes, published in 1776, at Antwerp, Mazzis' Book, Count Mirabeau on the Order of the Cincinnati.

*Miscellaneous works and Biography, (4 pages.)*

To these succeed works relating to the different States and Territories.

On Florida, eleven volumes.

On Louisiana, twenty-one volumes.

On Carolina, eighteen volumes.

Among these is a splendid copy of Catesby's Natural History of Carolina, Florida and the Bahama Islands, in two volumes, folio, and of which the usual selling price is said to be ten guineas. This copy is from the Empress Josephine's library.

On Georgia and Virginia, fourteen volumes.

And among these is a copy of Jefferson's Notes of Virginia, being the proof sheets, with corrections in the hand writing of the author.

On Maryland, Kentucky, &c., ten volumes.

On Ohio and Pennsylvania, thirteen volumes.

On New-York, eight volumes.

On the New-England States, eleven volumes.

*Canada and the British Possessions, (3 pages.)*—We have here the works of Champlain, Diereville, Charlevoix, Hearne, Umfreville, Cartwright, Mackenzie, Bouchette, Sir John Franklin, Kenney, Harman and Heriot.

*West-Indies.*—The catalogue of works on their geography, topography and statistics, fills seven pages, and appears to be very complete.

*Voyages to the Southern Hemisphere, (3 pages.)*

*Maps, Charts, Plans, &c.*—The description of these occupies no less than fourteen pages, and it includes a number of atlases; of maps of America, and portions of it as far back as 1690, 1700, 1717, 1720, 1733; a map of the French and English possessions in Canada and part of Louisiana, Paris, 1756; a map of the province of New-York, prepared by order of Governor Tryon, and published by Sauthier in 1776; a number of plans of battles and engagements during the American revolution. "Several of the charts are so rare that Mr. Sparks had them copied for his excellent work, 'The Writings of Washington.'"

*Medals.*—There are also eight medals, relating to the American revolution, all struck in France, two in honor of the battles of Eutaw and the Cowpens, and three with portraits of Franklin, General Greene and Paul Jones. There is a ninth medal in honor of Commodore Biddle.

*Two Engravings*, one of the Battle of Bunker Hill, by Trumbull; and a second, of the Death of General Montgomery, conclude this portion of the Catalogue, but the committee cannot end this brief and discursory notice of it, without mentioning that the following valuable works (in themselves) are also offered, because they contain matters relating to the United States.

Proceedings of the Royal Academy of Sciences, 44 volumes 4to.

Encyclopedie Methodique, 32 volumes 4to.

Monthly Review, London, 46 volumes 8to.

Biographie Des Hommes du Jour., 6 volumes 4to.

It is probable that, by a more critical examination of the Manuscript Catalogue, the number of volumes in many of the divisions enumerated above would be considerably increased.

As to the value of this collection, the following letters have been submitted to your committee.

*Copy of a Letter from Jared Sparks to Isaiah Townsend, dated Cambridge, (Mass.,) May 10, 1844.*

DEAR SIR—I have received your letter asking my opinion of the character and value of the Collection of Books offered for sale by Mr. Warden. After a partial examination of the books themselves, in Paris, and a careful inspection of the Catalogue, I cannot hesitate to say, that I think they would make an extremely important addition to any public library in the United States, which does not already possess them. I know, from my own experience, that books on America are becoming more and more scarce in Europe, because the demand is increasing, and very few of them are reprinted. It is, moreover, a rare chance to find any considerable number of these books on sale at one time. It would take years to make such a collection as that of Mr. Warden, and if the works were ordered separately, the average cost would be much larger than the price at which he will sell them; because it would be swelled by booksellers' commissions and other charges. In my opinion, therefore, the expediency of procuring such a collection, by any institution which has the means, cannot, for a moment, be doubted. There is scarcely a probability that an opportunity of this kind will again occur for a long term of years.

Mr. Warden's first collection was purchased about twenty years ago by Mr. Eliot of Boston, for \$5,000, and presented to Harvard College. To this was added another collection of greater extent, bought in Germany, and presented by Mr. Thorndike. But still our library of books is not complete, and we are now negotiating with Mr. Rich of London to supply deficiencies, to the amount of three or four thousand dollars. He has been for sixteen years assiduously engaged in searching for books of this description in the European markets. He told me in London, that he asked \$10,000 for the whole that he had been able to

procure. I mention these particulars to show that books of this class, so important to our history, cannot be easily obtained, nor at reduced prices. The difficulty will be daily increased, and the prices will certainly never fall.

The maps and charts, the titles of which are contained in Mr. Warden's catalogue, are many of them peculiarly valuable, and of some of them, particularly those relating to the military movements of the revolution, I know of no copies in the United States. And, in fact, it is by mere accident that they can now be found anywhere. It is only necessary to run one's eye over the titles to be convinced of their historical importance.

I will only add, that as an American, I should deem it a fortunate circumstance, if these books were brought into the country and deposited in a public library, where they might be accessible to those who may wish to inform themselves or others of our progress as a nation, and of the achievements of our ancestors, on which are founded our present national condition, character and prosperity.

*Extract from a letter from Jared Sparks to Isaiah Townsend, dated  
Cambridge, November 25, 1844.*

For the honor of the country and the benefit of your State, I hope Mr. Warden's collection of books will be purchased for your State library. Books on America are every day becoming more rare, and the prices at which the old ones now sell are ten fold greater than formerly; nor will these prices ever be less. At an auction sale of English books in Boston, two or three months past, several books of this description were sold, and they were all bid off at enormous prices.

*Extract of a letter from George Bancroft to Isaiah Townsend, dated  
Boston, May 12, 1844.*

I hope you will be able to secure for your New-York State library Warden's American collection. I have not his catalogue, and can therefore form no judgment of its pecuniary value; but some experience leads me to know the difficulty of getting together books on American history. Warden's position in Paris has been extremely favorable for that end, and the next eighteen years of diligence could achieve less than the last. Every year enhances the cost and difficulty of making these collections.

*Copy of a letter from Major Davezac to the Trustees of the New-York State Library.*

*Albany, May 8, 1844.*

GENTLEMEN—

Having seen, when I was in Paris in the year 1839, the library of Mr. Warden, I take great pleasure in stating to you that the books mentioned in the "Bibliotheca Americana," which was placed in my hands as chairman of the State Library committee, are as valuable, on account of the enlightened discrimination with which they have been selected, as they are by the excellent preservation in which they have been kept. I can truly say, that with the exception of the royal libraries of Paris, there



are no where to be found so many works of acknowledged celebrity, and which may prove so useful to the chroniclers of America, as those contained in the collection which Mr. Warden has procured during forty years residence in Paris, where books now scarce and "out of print," are only to be obtained. If the State should add that unrivalled choice of books relating to America, it would mark the New-York State Library as the only one in the new world where historians or compilers will direct their researches.

I have the honor to be, with great respect,

Your very humble and most ob't serv't,

AUGUSTE DAVEZAC.

*Extract from a Letter of Henry Ledyard, late Secretary of the American Legation at Paris, to the Hon. John Greig, dated Havre, July 25, 1844.*

I have had the honor to receive your letter of the 17th of May, requesting my opinion respecting the condition of Mr. Warden's collection of books relating to America, and the eligibility of a purchase of it, by the State of New-York, upon the terms proposed by him.

Although well acquainted with the collection, I thought it best to re-examine it, with a view to giving the opinion you desire, and accordingly devoted my first leisure moments to its examination. I found the books generally in a good state of preservation, many of them well bound; and I have no hesitation in saying that I think the sum, \$4,000, for which Mr. Warden offers them to the State, below their real value. Many of the editions of the works are rare and curious, which it would be difficult, if not impossible, to find elsewhere; and in the works of Spanish discoverers and travellers, it is particularly rich. I have long thought that this library should be transferred to our country, and I earnestly hope that my native State will not allow this opportunity to pass by, without adding to the valuable literary stores already in her possession, by the purchasing of a collection so rich in American history.

*Extract of a letter from James E. DeKay, M. D., to Isaiah Townsend, dated Oyster Bay, June 12, 1844.*

"I am acquainted with the circumstances under which that noble collection was formed, and examined many of the books. Mr. Warden was an active member for many years of the Geographical Society of Paris, and was thus led to seek out all works connected with his pursuits. He spared no pains nor expense, and had agents in all parts of Europe and America for that purpose."

The price asked by Mr. Warden for the above collection is four thousand dollars, to be paid in two yearly instalments, although it is probable that he would be willing, if desired, to prolong the period of payment.

The whole amount appropriated for the annual purchase of miscellaneous books for the State Library, is thirteen hundred dollars. The

condition of this department is such as to require that amount, and even more, for several years, in order to supply its deficiencies and to render it useful for consultation and reference to the Members of the Legislature, and to individuals engaged either in the affairs of the State or in literary and scientific investigations.

It remains, then, with the Legislature to decide whether the purchase shall be made. There will probably be about two hundred duplicates, but all, it is supposed, readily saleable at an average of more than two dollars each. A large portion of the collection is in the French, Spanish, and Italian languages, and the sum required is not an inconsiderable one.

But on the other hand, Mr. Warden is an American citizen, who has long devoted himself to the illustration of American geography, antiquities and history. That the collection is fully worth the money asked, is (besides the testimony given above) strikingly illustrated by the high prices which all works relating to America have, during the summer and autumn of 1844, obtained at Boston and New-York.

The State of New-York has expended millions upon millions, in promoting the physical improvement of her wide spread domain. She will not miss a small tithe devoted to literature and science. Hallam and Guizot, Bancroft and Prescott, are names inscribed in the pages of a nation's history, and if this purchase incite but one individual to tread even with feeble pace, in their footsteps, the gain and the honor will be with those who provided the means and spread the intellectual store.

By order,

PETER WENDELL, *Chancellor.*

T. ROMEYN BECK, *Sec'y.*

*Albany, January 9, 1845.*

*Ordered,* That the said report be referred to the joint library committee, and that the usual number of copies of the same be printed for the use of the Legislature.

[*See Document No. 11.*]

The Annual Report of the Superintendent of the Salt Springs was received and read.

On motion of Mr. M'Carthy,

*Ordered,* That five times the usual number of copies of the said report be printed for the use of the Legislature, and two hundred and fifty copies for the use of the Superintendent.

[*See Document No. 10.*]

The House then proceeded to the consideration of the following resolution from the Senate, to wit :

*Resolved,* (if the Assembly concur,) That the joint rules of the Senate and Assembly, which were in force at the last session of the

Legislature, be adopted for the government of the two houses during the present session.

The same having been read,

Mr. Speaker put the question whether the House would concur with the Senate in their said resolution, and it was determined in the affirmative.

*Ordered*, That the Clerk return the said resolution to the Senate, and inform them that the Assembly have concurred in the same without amendment.

The said joint rules are as follows, to wit :

### JOINT RULES OF THE SENATE AND ASSEMBLY.

1. Each House shall transmit to the other all papers on which any bill or resolution shall be founded.

2. When a bill or resolution which shall have passed in one house, is rejected in the other, notice thereof shall be given to the house in which the same may have passed.

3. Messages from one house to the other shall be communicated by the respective clerks of each house, unless the house transmitting the message shall especially direct otherwise.

4. It shall be in the power of either house to amend any amendment made by the other to any bill or resolution.

5. In every case of a difference between the two houses upon any subject of legislation, either house may request a conference, and appoint a committee for that purpose, and the other shall also appoint a committee to confer : The committee shall meet at such hour and place as shall be agreed upon by their chairman, and state to each other, verbally or in writing as either shall choose, the reasons of their respective houses, and confer freely thereon ; and they shall be authorized to report to their respective houses such modifications or amendments as they may think advisable.

6. It shall be in order for either house to recede from any subject matter of difference subsisting between the two houses at any time previous to conference, whether the papers on which such difference has arisen are before the house receding, formally or informally ; and that a majority shall govern, except in those cases where two-thirds are required by the Constitution ; and the question having been put and lost, shall not be again put on the same day, and the reconsideration thereof shall in other respects be regulated by the rules of the respective houses.

7. After each house shall have adhered to their disagreement, the bill which is the subject of difference shall be deemed lost, and shall not be again revived during the same session in either house.

8. The same bill shall not create, renew, or continue more than one incorporation, nor contain any provisions in relation to the altering of more than one act of incorporation ; nor shall the same bill appropriate the public money or property to more than one local or private purpose ; and bills appropriating money for the payment of the officers of government, shall be confined to that purpose exclusively.

9. Whenever there shall be a ballot for officers by the two houses,



the result shall be certified by the President of the Senate and Speaker of the Assembly, and shall be reported by the presiding officer of each house to their respective houses, and be entered on the journals of each, and shall be communicated to the Governor by the clerks of the two houses.

10. No bill that shall have passed one house, shall be sent for concurrence to the other on either of the two last days of the session.

On motion of Mr. Kinne,

*Resolved*, That the petition and papers on file in this house, relating to the building of a bridge across the Seneca river at Coldspring in the county of Onondaga, be taken from the files, and referred to the members from said county.

Mr. Whitney gave notice that, at an early day, he would ask leave to introduce a bill abolishing the office of county superintendent of common schools.

Mr. Fenn offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the Clerk procure one hundred and forty copies of the Albany City Guide, for the accommodation of members of this house, and that the expense be defrayed from the contingent fund of the house.

*Ordered*, That the said resolution be laid on the table.

Mr. Morrison gave notice that he would, at some future day, introduce a bill to enable a married woman to hold and dispose of her real estate, free from the debts or dominion of her husband, and to allow her to make a will.

Mr. Long gave notice that he would, at an early day, ask leave to bring in a bill, authorizing Jarvis A. Hall and Maria his wife, an infant, to convey real estate.

Mr. Winant gave notice that he would, on some future day, ask leave to introduce a bill entitled "An act relative to insane persons in the county of Kings."

Mr. Niven offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That immediately upon the House being called to order each morning, the centre and north doors shall be closed, and so remain closed until the adjournment ; and that all ingress and egress shall, during the sittings of the house, be through the south door and ante-rooms.

*Ordered*, That the said resolution be laid on the table.

Mr. Speaker presented a communication from Mr. John H. Dayton, which was read, in the words following, to wit :

*Sag-Harbor, January 6, 1845.*

TO THE SPEAKER OF THE ASSEMBLY.

SIR,

The Constitution of our State declares, that any member of the Legislature, by accepting an appointment, civil, diplomatic, etc., from the General Government, thereby vacates his seat, or rather this is the gist of the section.

Now, sir, anxious that the good people of Suffolk county should be fully represented, and the situation of my family being such as by their indisposition to forbid my personal appearance at Albany to present my case before the House for its decision, I am induced to ask the favor of you, that if that decision should be to deny my right to a seat in your Honorable Body, the earliest possible opportunity may be afforded them, if they wish to supply the vacancy.

On twenty-seventh of November, 1844, I received and accepted the appointment of Collector of the Customs for the District of Sag-Harbor. Since that time, I have consulted several legal gentlemen, with a view to ascertain whether the prohibition extended to my case or not, having received the appointment previous to the time of the opening of the session. Their opinions have not given me much light. Had I consulted only my own feelings, I should have resigned ; but being unwilling to involve the county in the expense incident to a special election, I finally determined to bring the question personally before the House. The circumstances before mentioned preventing this, and deeming the House the proper and constitutional judges of the matter, must form my apology for asking through you their decision.

Respectfully yours,

JOHN H. DAYTON.

*Ordered*, That the said communication be referred to the committee on privileges and elections.

Mr. Constant offered for the consideration of the House a resolution, in the words following, to wit :

WHEREAS a report prevails, that on Friday last, the tenth instant, the sheriff or his deputy of Rensselaer county was assaulted by a number of men armed and disguised, who deprived him by force of his official papers, and burnt them, and who resisted him in the execution of his official duties :

Therefore,

*Resolved*, That a special committee be appointed by the Chair, to inquire into and report the facts to this House ; and that said committee have power to send for persons and papers.

*Ordered*, That the said resolution be laid on the table.

On motion of Mr. Morrison,

The House then adjourned to eleven o'clock to-morrow morning.

## TUESDAY, JANUARY 14, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. A. Bronson.

The minutes of yesterday were read and approved.

The Chair announced the appointment of the following standing committees, to wit :

*Committee on ways and means*—Mr. Crain, Mr. Russell, Mr. Bailey, Mr. Nevins and Mr. Worden.

*Committee on canals*—Mr. Sears, Mr. Howard, Mr. Porter, Mr. Bevens and Mr. Coe.

*Committee on the judiciary*—Mr. T. R. Lee, Mr. Comstock, Mr. Russell, Mr. J. Young and Mr. Wheeler.

*Committee on railroads*—Mr. Van Valkenburgh, Mr. D. Gould, Mr. Thayer, Mr. Morrison and Mr. Spring.

*Committee on banks and insurance companies*—Mr. A. H. Buell, Mr. Billings, Mr. Pierce, Mr. Edwards and Mr. E. Crosby.

*Committee on two-third bills*—Mr. Van Schoonhoven, Mr. Harris, Mr. Bagg, Mr. De Puy and Mr. Winant.

*Committee on colleges, academies and common schools*—Mr. L. H. Brown, Mr. Jones, Mr. Harden, Mr. S. Miller and Mr. A. W. Young.

*Committee on grievances*—Mr. Boughton, Mr. Danforth, Mr. Skelton, Mr. Carpenter and Mr. Sherman.

*Committee on the petitions of aliens*—Mr. Dickson, Mr. M'Carthy, Mr. C. F. Crosby, Mr. Litchfield and Mr. S. A. Brown.

*Committee on the erection and division of towns and counties*—Mr. Hine, Mr. J. Brooks, Mr. Chase, Mr. Collins and Mr. Raymond.

*Committee on claims*—Mr. Tefft, Mr. M'Key, Mr. Newkirk, Mr. Strobridge and Mr. Casner.

*Committee on the internal affairs of towns and counties*—Mr. Chase, Mr. A. C. Smith, Mr. Fellows, Mr. Brower and Mr. Wilcox.

*Committee on medical societies and colleges*—Mr. Whitney, Mr. Tefft, Mr. Dickson, Mr. Wells and Mr. D. Lee.

*Committee on the incorporation of cities and villages*—Mr. Ross, Mr. M'Donald, Mr. Gifford, Mr. White and Mr. Wyckoff.

*Committee on the manufacture of salt*—Mr. M'Carthy, Mr. Skelton, Mr. Bush, Mr. A. C. Smith and Mr. Heermans.

*Committee on trade and manufactures*—Mr. Titus, Mr. Gregory, Mr. Barber, Mr. Blake and Mr. Johnson.

*Committee on state prisons*—Mr. Bevens, Mr. Searing, Mr. Hall, Mr. Huntington and Mr. Rowen.

*Committee on engrossed bills*—Mr. Hannum, Mr. Carpenter, Mr. Bagg, Mr. Bailey and Mr. Oakley.

*Committee on the militia and public defence*—Mr. Fonda, Mr. Sager, Mr. Sweeney, Mr. Mather and Mr. M'Vean.

*Committee on roads and bridges*—Mr. Pardee, Mr. Burdick, Mr. Tuthill, Mr. Frisbee and Mr. Moulton.



*Committee on the public lands* — Mr. Knapp, Mr. Hazelton, Mr. Danforth, Mr. Long and Mr. Field.

*Committee on indian affairs* — Mr. W. Smith, Mr. Mann, Mr. J. Stevenson, Mr. Preston and Mr. Winant.

*Committee on charitable and religious societies* — Mr. Harvey, Mr. Garretson, Mr. G. Goold, Mr. Bloss and Mr. Thompson.

*Committee on agriculture* — Mr. D. Lee, Mr. Salisbury, Mr. R. L. Stevenson, Mr. Bunker and Mr. Kinne.

*Committee on expiring laws* — Mr. Sweeney, Mr. Tibbitts, Mr. Betts, Mr. Dewey and Mr. Mersereau.

*Committee on the expenses of the Executive department* — Mr. M. Brooks, Mr. Bachman, Mr. Rice, Mr. Jarvis and Mr. Oakley.

*Committee on the expenses of the Assembly* — Mr. Pierce, Mr. T. Buel, Mr. Rogers, Mr. Culver and Mr. Hunt.

*Committee on the public printing* — Mr. Walrath, Mr. Sager, Mr. Cameron, Mr. Pardee and Mr. Edwards.

*Joint library committee* — Mr. Constant, Mr. Thayer, Mr. Thompson, Mr. Hammond and Mr. Fenn.

The petition of two hundred and fifty-seven inhabitants of the county of Onondaga, praying for an appropriation for a road running through the Onondaga Indian reservation, was read, and referred to the committee on Indian affairs.

Two several petitions of sundry inhabitants of the county of Oneida, praying for a release of the interest due on their lands, purchased out of the Oneida and Stockbridge Indian lands, at the sales of 1825, 1830 and 1834, were read, and referred to the Commissioners of the Land-office.

The memorial and petition of the officers, members and trustees of the College of Pharmacy in the city of New-York, praying for a donation from the State, were read, and referred to the committee on medical societies and colleges.

The petition of John I. Walrath of the county of Madison, praying for damages awarded to him by the Canal Appraisers, in consequence of the diversion of the waters of the Chittenango creek from his sawmill, was read, and referred to the committee on claims.

The petition of Daniel Walrath of the county of Madison, praying for damages awarded him by the Canal Appraisers, in consequence of injury done to his sawmill, was read, and referred to the committee on claims.

The petition of John Lafay and Julius W. Clemens of the county of Wyoming, praying for compensation for services rendered and materials furnished for building a towpath bridge across the Genesee river, was read, and referred to the committee on claims.

The petition of Asa T. Smith of the county of Oneida, praying for the passage of a law authorizing an investigation of his claim against the State for constructing bridges on the Black River Canal, was read, and referred to the committee on claims.

The petition of Jonas Ingraham of the county of Erie, praying for relief on a canal contract at Blackrock and Dansville, was read, and referred to the committee on claims.

The petition of Aaron Barnes and John E. Hinman of the county of Oneida, praying for relief, for damages done by the Erie Canal in February and March, 1840, was read, and referred to the committee on claims.

The petition of John L. Sextons of the county of Chemung, praying for relief on the Chemung Canal, was read, and referred to the committee on claims.

The petition of sundry inhabitants of the town of Newtown in the county of Queens, praying for the incorporation of a fire engine and hook and ladder company in said town, was read, and referred to the committee on the internal affairs of towns and counties.

The petition of sundry inhabitants of the counties of Sullivan and Orange, praying for the passage of a law in reference to draining lands, was read, and referred to the committee on the internal affairs of towns and counties.

The petition of sundry inhabitants of the town of Glenham in the county of Dutchess, praying for the incorporation of a fire company, was read, and referred to the committee on the internal affairs of towns and counties.

The petition of John Smith and others of the county of Steuben, praying that the officers of the Government on our canals may not be required to do official business on the Sabbath, was read, and referred to the committee on canals.

The petition of John E. Van Eps of the county of Montgomery, praying for relief, was read, and referred to the committee on canals.

The petition of sundry inhabitants of the town of Glen in the county of Montgomery, praying for the passage of a law giving them the tow-path on the old and abandoned line of the Erie Canal, between the first bridge east of old lock number 18, and the road bridge at the county poor-house, for a highway, was read, and referred to the committee on canals.

The petition of sundry inhabitants of the county of Montgomery, praying for the passage of a law to complete the aqueduct at Spraker's basin, and to put the double locks into use, was read, and referred to the committee on canals.

Two several petitions of sundry inhabitants of the county of Madison, praying for the repeal or modification of the usury law, were read, and referred to the committee on the judiciary.

The petition of Richard Bull and other relatives of the same name, praying for the passage of an act changing their names to Buel, was read, and referred to the committee on the judiciary.

The petition of Samuel K. Wolcott of the county of Chemung, praying that his official acts as justice of the peace may be confirmed, was read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the county of Sullivan, praying for the passage of a law vesting additional powers in the board of supervisors of said county, was read, and referred to the committee on the judiciary.

The petition of Edwin Lucian Cady, Morris W. Cady and Benjamin Lawrence, praying for the passage of an act to change the name of

Edwin Lucian Cady to that of Edwin Lucian Lawrence, was read, and referred to the committee on the judiciary.

The petition of the supervisors of the county of Greene, praying for the passage of a law to allow the district attorney of said county a salary of four hundred dollars, was read, and referred to the committee on the judiciary.

The petition of Daniel Brooks and Ellen Brooks his wife, of the county of Monroe, praying for the passage of an act allowing them to hold and convey real estate, was read, and referred to the committee on the judiciary.

The petition of sundry colored inhabitants of the county of Rensselaer, praying for the passage of a law permitting them to vote without a property qualification, was read, and referred to the committee on the judiciary.

The petition of the supervisors of the county of Saratoga, praying for the passage of a law touching the temporary relief of the poor of said county, was read, and referred to the committee on the judiciary.

The petition of Henry R. Keyes of the county of Ontario, praying for the passage of an act to change his name to Henry R. Hayden, was read, and referred to the committee on the judiciary.

The petition of the board of supervisors of the county of Franklin, praying for the passage of a law to invest surrogates with the powers of the Court of Chancery, in relation to idiots, lunatics, etc., within their respective jurisdictions, was read, and referred to the committee on the judiciary.

Six several petitions of sundry inhabitants of the county of Onondaga, praying for the passage of an act to erect a lattice bridge across the Seneca river at Coldspring, were read, and referred to the committee on roads and bridges.

Two several petitions of sundry inhabitants of the county of Ontario, praying for the passage of an act allowing the Seneca Turnpike Company to abandon that part of their road between the villages of Geneva and Canandaigua, were read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the county of Tioga, praying for the passage of a law to discontinue the turnpike road from Owego to the Pennsylvania line, and to district the same, was read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the county of St. Lawrence, praying for the passage of an act to provide for the construction of a road from the Russel turnpike in the town of Pierpont, to the Ausable river, was read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the counties of Onondaga and Cortland, praying for the incorporation of a turnpike company, to construct a road from the village of Syracuse to the villages of Tully, Homer and Cortland, was read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the borders of the Hudson river, praying for the passage of a law for the construction of a macadamized



road through the Highlands from Fishkill to Peekskill, by convict labor, was read, and referred to the committee on roads and bridges.

The petition of John W. Edmonds, librarian, etc. in behalf of the Law Institute of New-York, praying for relief, was read, and referred to the joint library committee.

The petition of Thomas Wheeler and Harvey Alvord of the county of Onondaga, praying for the passage of an act in relation to salt lot number 7 of the Onondaga reservation, was read, and referred to the committee on the manufacture of salt.

The memorial of the judges of the general sessions of the county of Monroe, transmitting a presentment of the grand jury of that county, on the subject of betting on elections, was read, and referred to the committee on privileges and elections.

The petition of one hundred and seventy colored citizens of the village of West-Troy in the county of Albany, praying that the colored citizens of this State may be allowed to vote upon equal terms with other men, was read, and referred to the committee on privileges and elections.

Two several petitions of sundry inhabitants of the town of Greenwood in the county of Steuben, praying for a division of the said town, were read, and referred to the committee on the erection and division of towns and counties.

The petition of sundry inhabitants of the town of Unadilla in the county of Otsego, praying for the erection of a new county from parts of the counties of Otsego, Chenango and Delaware, was read, and referred to the committee on the erection and division of towns and counties.

The petition of the widow and heirs at law of John Rowland deceased, an alien, praying for relief, was read, and referred to the committee on the petitions of aliens.

The petition of Jarvis A. Hall and Maria his wife, and others, praying for the passage of an act authorizing them to sell and convey real estate, was read, and referred to the committee on the petitions of aliens.

The petition of sundry inhabitants of the county of Cattaraugus, praying for a revision of the militia laws, was read, and referred to the committee on the militia and public defence.

The petition of sundry inhabitants of the town of Fort-Covington in the county of Franklin, praying for the passage of a law authorizing the Surveyor General to grant or lease to John Moon a lot of land belonging to the State, on the mile square in said town, was read, and referred to the committee on the public lands.

The petition of sundry inhabitants of the county of Tompkins, praying for the passage of a law to abolish the office of county and town superintendents of common schools, and for other purposes, was read, and referred to the committee on colleges, academies and common schools.

The petition of Hiram M. Wright and Joseph Rector of the county of Onondaga, praying for the passage of a law authorizing a tax to be levied on joint school district number fourteen in the towns of Cicero and Clay in said county, for damages sustained by them as trustees,

was read, and referred to the committee on colleges, academies and common schools.

Four several petitions of sundry inhabitants of the counties of Albany, Tioga and Steuben, praying for the incorporation of the American and Foreign Bible Society, were read, and referred to the committee on charitable and religious societies.

The memorial of sundry inhabitants of the city of New-York, praying for the incorporation of the American Home Missionary Society, was read, and referred to the committee on charitable and religious societies.

Four several petitions of Daniel Night of the county of Chemung, George Gardner of the same county, John Jackson of the county of Niagara, and Daniel Conyne of the county of Montgomery, severally praying for relief, were read, and referred to the committee on grievances.

The petition of G. Kemble of the county of Putnam, praying for the recharter of the West-Point Foundry Association, was read, and referred to the committee on trade and manufactures.

The petition of sundry insurance companies in the city of New-York, praying that an increased tax be levied on foreign insurance companies doing business in said city and in the city of Brooklyn, was read, and referred to the committee on banks and insurance companies.

The petition of Charles Alden and others of the city of New-York, praying for the incorporation of the New-York State Insurance Company, to be located in said city, was read, and referred to the committee on banks and insurance companies.

Five several petitions of sundry inhabitants of the counties of Monroe, Onondaga, Ontario, Allegany and Saratoga, praying for the passage of a law to suppress licentiousness, were read, and referred to a select committee.

Seven several petitions of sundry inhabitants of the counties of Onondaga, Orleans, Albany, Cattaraugus, Chautauque, Saratoga and Dutchess, praying for a change in the license laws, were read, and referred to a select committee.

The petition of the directors and stockholders of the Troy and Greenbush Railroad Association, and of the citizens of the city of Troy, praying for the passage of an act to incorporate said association, was read, and referred to the committee on railroads.

The petition of John Roof and others of the county of Montgomery, praying for the passage of a law to refund certain moneys received for land sold by the State, was read, and referred to a select committee.

The remonstrance of thirty-one inhabitants of the county of Chautauque, against the annexation of Texas as slave territory, was read, and referred to a select committee.

Mr. Niven, from the committee on privileges and elections, to which was referred the communication of Mr. John H. Dayton, relative to his right to a seat in this House as member of assembly for Suffolk county, reported, that the said John H. Dayton was elected a member of the Assembly for Suffolk county, at the last annual election, as appears from the return of the county canvassers filed in the office of the Secretary of State : That on the twenty-seventh of November last, as he asserts, he received and accepted the appointment of Collector of Cus-

toms for the district of Sag-Harbor, an office conferred by the Federal Government.

The Constitution of this State, article first, section eleventh, provides, that "if any person shall, while a member of the legislature, be appointed to any office, civil or military, under the government of the United States, his acceptance thereof shall vacate his seat in the legislature."

The only question, therefore, that arises, is, whether Mr. Dayton is to be considered a member of the Legislature, previous to the time fixed by law for its meeting, and without having taken the constitutional oath. On this point, the committee have no hesitation or doubt. He had been duly elected; the fact of his election had been legally communicated by the county canvassers to the Secretary of State; and we infer that he was, at the time of his acceptance of the office of collector of customs, *de facto* a member of this House; and that by his acceptance of said office, he disqualified himself. The committee, therefore, recommend that his name be stricken from the roll of the House.

[See Document No. 12.]

On motion of Mr. T. R. Lee,

*Ordered*, That the said report be committed to a committee of the whole house.

A communication from the Adjutant General was received and read, in the words following, to wit:

ADJUTANT GENERAL'S OFFICE, }  
Albany, January 13, 1845. }

*To the Honorable the Assembly of the State of New-York.*

I have the honor to acknowledge the receipt of a copy of the resolution calling "for information as to the proportion of *adopted* citizens comprising the military force ordered to and now in the city of Hudson, for the purpose of preserving the public peace."

In reply, I would respectfully state, that inasmuch as the act regulating the militia recognizes no distinction between the *native* and the *adopted* citizen, there is nothing upon the records, documents or returns in this department, which enables me to state "the proportion of adopted citizens in the military force ordered" to Hudson.

The troops on duty there, were designated without any reference to their place of birth, and it is very gratifying to know that their conduct has elicited the approbation of the public authorities of that city.

I am, very respectfully,

Your obedient servant,

A. C. NIVEN, *Adjutant General*.

*Ordered*, That the said communication be laid on the table, and that the usual number of copies thereof be printed.

[See Document No. 14.]



The annual report of the Troy Savings Bank, relative to unclaimed dividends and deposits, was received and read.

[See Document No. 53.]

*Ordered*, That the said report be laid on the table.

The annual report of the Bank of Albany, relative to unclaimed dividends and deposits, was received and read.

[See Document No. 17.]

*Ordered*, That the said report be laid on the table.

A resolution of the Senate was received and read, in the words following, to wit :

*Resolved*, (if the Assembly concur,) That the two Houses will proceed, on Saturday the eighteenth day of January instant, at twelve o'clock at noon, to the election of a Senator to represent this State in the Senate of the United States, in the place of the Hon. Silas Wright, resigned ; and also a Senator in the place of the Hon. Nathaniel P. Tallmadge, resigned.

Mr. Speaker put the question whether the House would concur with the Senate in their said resolution, and it was determined in the affirmative.

*Ordered*, That the Clerk return the said resolution to the Senate, and inform them that the Assembly have concurred in the same without amendment.

In pursuance of previous notice, Mr. M'Carthy asked for and obtained leave to bring in a bill, entitled "An act to renew and extend an act entitled 'An act to increase the revenues of the State, by extending the markets for salt, coal and lead ;'" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the manufacture of salt.

In pursuance of previous notice, Mr. Chase asked for and obtained leave to bring in a bill, entitled "An act to repeal the charter of the Owego Turnpike Road Company ;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on roads and bridges.

Mr. Ross gave notice that he would, to-morrow, ask leave to bring in a bill to alter the map of the city of New-York, by discontinuing Eleventh-street between Broadway and the Bowery in said city.

Mr. Walrath gave notice that he would, at some future day, ask leave to introduce a bill, authorizing the loan commissioners of the United States deposit for the county of Madison, to reloan the proceeds of that fund to said county.

On motion of Mr. J. Young,

*Resolved*, That the petition and papers of John Olyphant be taken from the files of the house, and referred to the committee on claims.

On motion of Mr. Russell,

*Resolved*, That the petitions heretofore presented to the Assembly of 1843, for the construction of a road from the Russell turnpike in St.

Lawrence county, to the Ausable river, be taken from the files of this house, and referred to the committee on roads and bridges.

Mr. J. Brooks gave notice that he would, at an early day, ask leave to introduce a bill to provide for assessing all property at its intrinsic value, and to prevent a double assessment of the same property; and also that he would, at some future day, ask leave to introduce a bill in relation to boundary and partition fences.

Mr. Cameron gave notice that he would, at an early day, ask leave to introduce a bill to change the name of Samuel G. Shaffer to Samuel G. Goodman.

Mr. Fonda offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That the Clerk furnish each of the messengers of this House with a knife, as good as those of the members, and that the expense thereof be defrayed from the contingent fund of the house.

*Ordered*, That the said resolution be laid on the table.

On motion of Mr. M. Brooks,

*Resolved*, That there be a sufficient number of Document No. 1 printed, to furnish each of the members with a copy.

On motion of Mr. Preston,

*Resolved*, That the petition and papers on file in this house, in relation to the claim of James D. Treat, be taken from the files, and referred to the committee on claims.

On motion of Mr. M'Key,

*Resolved*, That the petitions of George Gardner, William Rockwell and John Birch, praying the passage of an act that the Canal Appraisers be required to appraise damages sustained by them, be taken from the files, and referred to the committee on claims.

On motion of Mr. M'Carthy,

*Resolved*, That the petition and papers on file in this house, in relation to the claim of Horace Bailey, be taken therefrom, and referred to the committee on claims.

Mr. Morrison gave notice that he would, at some future day, ask leave to introduce a bill, requiring creditors, in proceeding by attachment against non-resident or absconding debtors, to file a notice in the office of the county clerk, in order to obtain a lien on the real estate of the debtor.

On motion of Mr. Van Valkenburgh,

*Resolved*, That the petitions and papers in regard to the division of the town of Greenwood in the county of Steuben, be taken from the files of this house, and referred to the committee on the erection and division of towns and counties.

On motion of Mr. M'Key,

*Resolved*, That the petition of George Gardner, praying that the Canal Appraisers be required to appraise damages sustained by him, be taken from the committee on grievances, and referred to the committee on claims.

Mr. Sears gave notice that he would, on some future day, ask leave to introduce a bill to amend the act for the relief of Robert Geer and Philo C. Weaver, passed May 2d, 1844.

On motion of Mr. Comstock,

*Resolved*, That the papers on file, relative to the claim of Asa T. Smith, be taken from the files, and referred to the committee on claims.

On motion of Mr. Comstock,

*Resolved*, That the papers on file, relative to the claim of Barnes and Hinman, be taken from the files, and referred to the committee on claims.

On motion of Mr. Bevens,

*Resolved*, That the petition and papers on file, in the claim of Evert Yates, be taken from the files, and referred to the committee on claims.

On motion of Mr. C. F. Crosby,

*Resolved*, That the petition of Abraham Ten Eyck and others of the town of Watervliet, in relation to the Watervliet Turnpike Company, be taken from the files of the house, and referred to the committee on roads and bridges.

The House then resolved itself into a committee of the whole, on the annual message of the Governor; and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Crain, from the said committee, reported progress, and asked for and obtained leave to sit again.

The House then resolved itself into a committee of the whole, on the report of the committee on privileges and elections, on the communication of John H. Dayton, relative to his right to a seat in this house as member of assembly for Suffolk county; and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. D. Lee, from the said committee, reported progress, and asked for and obtained leave to sit again.

A communication from the Secretary of the Young Men's Association of the city of Albany, was received and read, in the words following, to wit:

TO THE HONORABLE THE MEMBERS  
OF THE ASSEMBLY OF THE STATE OF NEW-YORK.

GENTLEMEN,

I have the honor to inform you that the Reading and Lecture Rooms of the Young Men's Association for mutual improvement in the city of Albany, situate in the Exchange Building, are at all times open to the members of the Legislature; and on behalf of the Association, I would respectfully invite you to avail yourselves of all the privileges of members of the institution.

With great respect, yours, etc.

LAFAYETTE D. HOLSTEIN,

Albany, January 14, 1845.

Recording Secretary.

On motion of Mr. Huntington,

The House then adjourned to eleven o'clock to-morrow morning.



## WEDNESDAY, JANUARY 15, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. W. H. Campbell.

The minutes of yesterday were read and approved.

The petition of Nathan S. Hollister of the city of Troy, praying relief and compensation for damages sustained by reason of the enlargement of the Erie Canal, was read, and referred to the committee on claims.

Two several petitions of John R. Murray and John M. Ogden of the county of Livingston, praying for relief touching the appropriation of the Mountmorris dam by the State, were read, and referred to the committee on claims.

Three several petitions of sundry inhabitants of the county of Cattaraugus, praying for the passage of such laws as will ensure the resumption of work on the Genesee Valley Canal the ensuing spring, were read, and referred to the committee on canals.

The petition of Michael Quartus of the county of Oneida, praying for relief on account of damage done in the construction of the Erie Canal enlargement, was read, and referred to the committee on canals.

The petition of Bela B. Hyde and others of the village of Rome in the county of Oneida, praying for damages in consequence of a change in the route of the Erie Canal, was read, and referred to the committee on canals.

Two several petitions of sundry inhabitants of the counties of Wyoming and Oneida, praying for the passage of a law in relation to the rights of married women, were read, and referred to the committee on the judiciary.

The petition of the mayor and aldermen of the city of Utica, praying for certain amendments to the law organizing the recorder's court of said city, was read, and referred to the committee on the judiciary.

The petition of William M. Allen and others of the city of Utica, praying for the passage of a law in relation to the county courts of the county of Oneida, was read, and referred to the committee on the judiciary.

The memorial of the board of supervisors of the county of Kings, praying for the passage of a law in relation to insane persons in said county, was read, and referred to the committee on the judiciary.

The petition of the supervisors of the county of Oneida, praying for the passage of a law requiring sheriffs and justices to render an account under oath of all fines and forfeitures received by them, was read, and referred to the committee on the judiciary.

The petition of one hundred and twenty-eight citizens of the county of Seneca, praying for the passage of a general registry law for this State, was read, and referred to the committee on the judiciary.

Four several petitions of E. F. Wors of the county of Seneca, Lucius Long of the county of Niagara, Philander Smith of the county of Jefferson, and George Winter of the county of Oswego, aliens, praying

for relief, were read, and referred to the committee on the petitions of aliens.

The petition of Jeremiah Reeves of the county of Oneida, praying for the passage of an act confirming his title to certain lands purchased of aliens, was read, and referred to the committee on the petitions of aliens.

Four several petitions of sundry inhabitants of the counties of Albany, Allegany, Wyoming and Greene, praying for the passage of an act to incorporate the American Foreign Bible Society, were read, and referred to the committee on charitable and religious societies.

The petition of the members of the Baptist Church of the village of Plainville in the county of Onondaga, praying that the name of their church be changed to that of Dundee, was read, and referred to the committee on charitable and religious societies.

The petition of William M. Allen and others of the county of Oneida, praying for the passage of a law in relation to the right of suffrage, was read, and referred to the committee on privileges and elections.

The petition of David P. Smalley of the county of Oneida, praying for the passage of an act refunding certain moneys paid by him on a purchase of lands from the State, was read, and referred to the committee on grievances.

The petition of Joseph Demont, Orrin Tyler and Edward Mynderse of the county of Seneca, praying for relief, was read, and referred to the committee on grievances.

The petition of sundry inhabitants of the village of Fredonia in the county of Chautauque, praying for the passage of a law to amend the charter of said village, was read, and referred to the committee on the incorporation of cities and villages.

The petition of sundry inhabitants of the county of Greene, praying for the incorporation of a manufacturing company, was read, and referred to the committee on trade and manufactures.

Two several petitions of sundry inhabitants of the county of Oswego, praying for the passage of a law to renew and extend the charter for a railroad from the village of Syracuse to the village of Oswego, were read, and referred to the committee on railroads.

The petition of sundry inhabitants of the county of Tioga, praying for an amendment of the charter of the New-York and Erie Railroad Company, was read, and referred to the committee on railroads.

The petition of sundry inhabitants of the counties of Genesee and Monroe, living along the line of the railroads in said counties, praying that a law may be passed, requiring railroad companies to make all suitable and necessary fences and cattle-guards on their roads, or pay for property destroyed through their neglect, was read, and referred to the committee on railroads.

The petition of the board of supervisors of the county of Warren, praying for the passage of a law making the office of district attorney of said county a salary office, was read, and referred to the committee on the judiciary.

The petition of one hundred and eight inhabitants of the county of Putnam, praying for the passage of a law for the construction of a road

through the Highlands from Fishkill to Peekskill, by convict labor, was read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the county of Westchester, praying for the passage of an act appointing commissioners to lay out a road from the Croton bridge in the town of Cortland, to the village of Fishkill-landing, and authorizing the same to be constructed by convict labor, was read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the counties of Onondaga and Cortland, praying for the incorporation of a company to construct a turnpike road from the village of Syracuse to the villages of Tully and Cortland was read, and referred to the committee on roads and bridges.

The petition of the board of supervisors of the county of Monroe, praying for the passage of an act authorizing the said board to loan money to build a bridge across the Genesee river, was read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the county of Delaware, praying for the erection of a new county from parts of the counties of Otsego, Chenango and Delaware, with the county seat at Unadilla, was read, and referred to the committee on the erection and division of towns and counties.

Five several petitions of sundry inhabitants of the counties of Delaware, Otsego and Chenango, praying for the erection of a new county from parts of the counties of Otsego, Chenango, Delaware and Broome, to be called the county of Wright, with the county seat at Bainbridge, were read, and referred to the committee on the erection and division of towns and counties.

The petition of the owners of lots 141 and 142 in the town of Florence in the county of Oneida, praying that the said lots may be set off to the town of Camden in said county, was read, and referred to the committee on the erection and division of towns and counties.

The petition of sundry inhabitants of the county of Orange, praying for the erection of a new town, to be taken from the towns of Goshen, Warwick, Bloomingrove and Monroe in said county, was read, and referred to the committee on the erection and division of towns and counties.

The petition of the board of supervisors of the county of Warren, praying for the establishment of the north line of said county, was read, and referred to the committee on the erection and division of towns and counties.

The petition of William Wickham of the county of Oswego, praying for the right of fishery at Big Sodus bay, was read, and referred to the committee on the internal affairs of towns and counties.

The petition of sundry inhabitants of the village of Rome in the county of Oneida, praying for the incorporation of the Rome Waterworks Company, was read, and referred to the committee on the internal affairs of towns and counties.

The petition of sundry inhabitants of the city of Utica, praying for an alteration of the charter of said city, so as to allow the election of one supervisor in each ward, was read, and referred to the committee on the internal affairs of towns and counties.



The resolution of the board of supervisors of the county of Wayne, requesting the Legislature to pass a law abolishing the poor-house system in said county, was read, and referred to the committee on the internal affairs of towns and counties.

The petition of James Titus and others of the city of Brooklyn, praying for the passage of an act releasing the right of the People of the State to a certain house and lot of land in said city, was read, and referred to the committee on the public lands.

The petition of Nelson Wolcott of the county of Wyoming, praying for the passage of an act relative to his right to a certain lot of land deeded to the State, was read, and referred to the committee on the public lands.

The petition of the supervisors and commissioners of highways of the town of Pamela in the county of Jefferson, praying for a loan of twenty-three hundred dollars from the Common School Fund to said county, accompanied with a resolution of the board of supervisors, pledging the credit of the county for the payment of the loan, to pay a debt due from said town for building a bridge across the Black river at Watertown, was read, and referred to the committee on colleges, academies and common schools.

The petition of a majority of the board of supervisors of the county of Warren, praying for the passage of a law abolishing the office of county superintendent of common schools, was read, and referred to the committee on colleges, academies and common schools.

The petition of A. W. Treat of the county of Genesee, praying for the liquidation of his claim against the State for revolutionary services, was read, and referred to the committee on the militia and public defence.

The petition of S. F. Judd and others of the county of St. Lawrence, praying for a change or repeal of the militia laws of this State, was read, and referred to the committee on the militia and public defence.

Seven several petitions of sundry inhabitants of the counties of Niagara, Chautauque, Oneida, Erie, Ontario and Seneca, praying for a change in the license law, were read, and referred to a select committee.

Fifteen several petitions of sundry inhabitants of the counties of Steuben, Otsego, Genesee, Wyoming, Franklin, Delaware, Oneida, Tompkins and Chautauque, praying for the passage of a law for the suppression of licentiousness, were read, and referred to a select committee.

The remonstrance of sundry inhabitants of the county of Albany, against the annexation of Texas to the Union, was read, and referred to a select committee.

The Annual Report of the Superintendent of Common Schools was received and read.

[See Document No. 30.]

On motion of Mr. L. H. Brown,

*Ordered*, That five times the usual number of copies of said report be printed for the use of the Legislature, five hundred copies for the Department, and one copy for each county and town superintendent.

The annual report of the Mechanics' and Farmers' Bank of Albany, relative to unclaimed dividends and deposits, was received and read.

[See Document No. 54.]

*Ordered*, That the said report be laid on the table.

Mr. Speaker announced the appointment of the select committee on the suppression of licentiousness, to consist of Mr. Huntington, Mr. Coe, Mr. Bailey, Mr. Van Valkenburgh and Mr. Wheeler; and also the appointment of the select committee on the license laws, to consist of Mr. Garretson, Mr. Skelton, Mr. M'Carthy, Mr. Rogers and Mr. Bloss.

Mr. Comstock gave notice that he would, at an early day, ask leave to introduce a bill, providing for the more equal distribution of the Literature Fund.

Mr. De Puy gave notice that he would, at an early day, introduce a bill to disband all uniformed militia companies in this State, that may be composed of a greater proportion than one-third of adopted citizens.

Mr. Raymond gave notice that he would, to-morrow, ask leave to introduce a bill to authorize the board of supervisors of Monroe county to loan money and build a bridge across the Genesee river.

On motion of Mr. Sears,

*Resolved*, That the papers relating to the claim of Sage, Walrath and Dunham, be taken from the files of the house, and referred to the committee on claims.

On motion of Mr. Niven,

*Resolved*, That the papers in the case of the claim of the heirs of Thomas Mott deceased, be taken from the files of the house, and referred to the committee on claims.

On motion of Mr. Harris,

*Resolved*, That the petition of Platt Williams, praying for a compensation for damages sustained by him upon the Black River Feeder Canal, and the papers accompanying the same, be taken from the files of the house, and referred to the committee on claims.

On motion of Mr. C. B. Miller,

*Resolved*, That the petition and papers relating to the claim of Merritt Clark and others, be taken from the files of this house, and referred to the committee on claims.

Mr. Worden gave notice that he would, at a future day, ask leave to introduce a bill to incorporate the Mechanics' Library Association of the village of Canandaigua.

On motion of Mr. Fellows,

*Resolved*, That the papers put on the files of this house in the year 1840 and prior thereto, relative to the application for a new county from parts of Otsego, Chenango and Delaware counties, be taken from the files, and referred to the committee on the erection and division of towns and counties.

Mr. Bowen gave notice that he would, at some future day, ask leave to introduce a bill authorizing Lucius Long, an alien, to purchase and hold real estate.

Mr. De Puy gave notice that he would, at an early day, introduce a bill to abolish the present militia laws, and in lieu thereof to provide for an enrolment.

Mr. Mather gave notice that he would, at a future day, introduce a bill for the reduction of the legal rate of interest, and to prevent usury.

On motion of Mr. D. Lee,

*Resolved*, That the petition and papers relating to the bill entitled "An act to amend an act authorizing James Haggart to establish a ferry at Blackrock across Niagara river," be taken from the files of the house, and referred to the committee on the judiciary.

Mr. Oakley gave notice that he would, at some future day, ask leave to present a bill to amend that portion of the act which relates to the county of New-York, requiring the county agricultural societies to report annually to the State Agricultural Society.

In pursuance of previous notice, Mr. C. F. Crosby asked for and obtained leave to bring in a bill, entitled "An act to incorporate the Fire Department of the village of West-Troy;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the internal affairs of towns and counties.

In pursuance of previous notice, Mr. J. Brooks asked for and obtained leave to bring in a bill, entitled "An act to provide for assessing all property at its intrinsic value, and to prevent the same property from being assessed twice;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on ways and means.

In pursuance of previous notice, Mr. Ross asked for and obtained leave to bring in a bill, entitled "An act to discontinue Eleventh-street in the city of New-York, between Broadway and the Bowery;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the incorporation of cities and villages.

In pursuance of previous notice, Mr. Huntington asked for and obtained leave to bring in a bill, entitled "An act to amend the act passed May 6th, 1837, entitled 'An act to amend the act incorporating the village of Geneva;'" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the internal affairs of towns and counties.

In pursuance of previous notice, Mr. Winant asked for and obtained leave to bring in a bill, entitled "An act relative to insane persons in the county of Kings;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

The House then again resolved itself into a committee of the whole, on the report of the committee on privileges and elections, on the communication of John H. Dayton, relative to his right to a seat in this house as member of assembly for the county of Suffolk; and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. D. Lee, from the said committee, reported progress, and asked for leave to sit again.



Mr. Bailey moved to refer the said report to the committee on the judiciary.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Bailey, and it was determined in the affirmative.

The House then again resolved itself into a committee of the whole, on the annual message of the Governor; and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Crain, from the said committee, reported progress, and asked for and obtained leave to sit again.

On motion of Mr. Thayer,

*Ordered*, That the resolutions adopted in committee of the whole on the said message, be printed.

[See Document No. 14.]

On motion of Mr. Hannum,

The House then adjourned to eleven o'clock to-morrow morning.

## THURSDAY, JANUARY 16, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. A. Bronson.

The minutes of yesterday were read and approved.

The petition of the board of supervisors of the county of Monroe, praying for the passage of a law to build a bridge across the Genesee river, and for authority to borrow money, was read, and referred to the committee on roads and bridges.

Two several petitions of sundry inhabitants of the county of Warren, praying for the passage of an act to make Trout brook a public highway, were read, and referred to the committee on roads and bridges.

Two several petitions of sundry inhabitants of the counties of Delaware and Otsego, praying for the erection of a new county from parts of the counties of Otsego, Delaware and Chenango, with the seat of justice at Unadilla, were read, and referred to the committee on the erection and division of towns and counties.

Four several petitions of sundry inhabitants of the counties of Delaware and Chenango, praying for the erection of a new county from parts of the counties of Chenango, Otsego, Delaware and Broome, to be called the county of Wright, with the seat of justice at Bainbridge, were read, and referred to the committee on the erection and division of towns and counties.

The remonstrance of sundry inhabitants of the town of Warsaw in the county of Livingston, against a change of the title of the Baptist American and Foreign Bible Society, was read, and referred to the committee on charitable and religious societies.

The petition of the Ancient Bretons' Benefit Society of the city of Utica, praying for a renewal of their charter, was read, and referred to the committee on charitable and religious societies.

Two several petitions of sundry inhabitants of the counties of Madison and Genesee, praying for the passage of a law to suppress licentiousness, were read, and referred to the select committee on that subject.

Four several petitions of sundry inhabitants of the counties of Onondaga and Oswego, praying for the passage of a law to submit the question of license to the people, were read, and referred to the select committee on that subject.

The petition of Abel Chandler of the county of Chenango, praying for relief, was read, and referred to the committee on grievances.

The petition of Samuel G. Chafee of the county of Warren, praying for the passage of an act to change his name, was read, and referred to the committee on the judiciary.

The petition of sundry members of the bar of the county of Jefferson, praying the passage of an act giving additional powers to the supreme court commissioner at Watertown in said county, was read, and referred to the committee on the judiciary.

The petition of the collector of the town of Hume in the county of Allegany, praying for the passage of an act to extend the time for the collection of taxes in said town, was read, and referred to the committee on the judiciary.

The petition of the board of supervisors of the county of Niagara, praying for an amendment of the law granting a salary to the police justice of the village of Lockport, and that the office of district attorney of said county may be made a salary office, was read, and referred to the committee on the judiciary.

The petition of Joseph Perrine of the town of Lockport in the county of Niagara, praying for relief, was read, and referred to the committee on claims.

The petition of the board of supervisors of the county of Genesee, praying for the passage of a law to abolish the office of county superintendent of common schools of said county, was read, and referred to the committee on colleges, academies and common schools.

The petition of George Grant and others of the county of Madison, praying for an amendment of the charter of the village of Chittenango in said county, was read, and referred to the committee on the incorporation of cities and villages.

The petition of Michael Francisco of the county of Yates, a revolutionary soldier, praying for relief, was read, and referred to the committee on the militia and public defence.

The petition of sundry inhabitants of the county of St. Lawrence, praying for a change or repeal of the existing militia law, was read, and referred to the committee on the militia and public defence.

The petition of the Firemen's Insurance Company of the city of New-York, praying for an amendment of their charter, was read, and referred to the committee on banks and insurance companies.

The petition of John J. Hopper, praying for a release of the purchase

money on certain lands bought by him of the State in 1836, was read, and referred to the committee on ways and means.

The petition of sundry inhabitants of the county of Delaware, praying for the erection of a new county from parts of the counties of Otsego, Chenango and Delaware, with the seat of justice at Unadilla, was read, and referred to the committee on the erection and division of towns and counties.

The memorial of the board of supervisors of the county of Madison, praying for the passage of a special act, empowering the people of said county, through their supervisors, to revive as well as to abolish the distinction between town and county poor, was read, and referred to the committee on the internal affairs of towns and counties.

Mr. Sears, from the committee on canals, to which was referred the bill entitled "An act to amend the act to reduce the number of canal commissioners, and to provide for their election by the people, passed May 6th, 1844," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

On motion of Mr. Walrath,

*Resolved*, That the petition and papers of Charles Stroud and others be taken from the files of this house, and referred to the committee on claims.

Mr. Wyckoff gave notice that he would, at an early day, ask leave to introduce a bill to incorporate the Brooklyn Quay Company.

In pursuance of previous notice, Mr. Bowen asked for and obtained leave to bring in a bill, entitled "An act to enable Lucius Long, an alien, to purchase and hold real estate;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the petitions of aliens.

In pursuance of previous notice, Mr. Thompson asked for and obtained leave to bring in a bill, entitled "An act to provide for the compensation of jurors and witnesses;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Garretson asked for and obtained leave to bring in a bill, entitled "An act to repeal the mill tax;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on ways and means.

In pursuance of previous notice, Mr. Hannum asked for and obtained leave to bring in a bill, entitled "An act relating to excise, and to licensing retailers of intoxicating liquors;" which was read the first time, and by unanimous consent was also read a second time, and referred to the select committee on the license laws.

In pursuance of previous notice, Mr. Raymond asked for and obtained leave to bring in a bill, entitled "An act to authorize the board of supervisors of Monroe county to borrow money, and to build a bridge across the Genesee river;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the internal affairs of towns and counties.



Mr. M'Carthy gave notice that, on some future day, he would ask leave to introduce a bill to amend an act passed May 2d, 1844, for the relief of Robert Gere and Philo C. Weaver.

On motion of Mr. Sears,

*Resolved*, That the papers relating to the claim of Abiel Payne be taken from the files of the house, and referred to the committee on claims.

Mr. Niven gave notice that he would ask leave, at an early day, to introduce a bill relative to the insane convicts in our State prisons.

On motion of Mr. Sears,

*Resolved*, That the papers relating to the claims of Amos Kingsley and others, be taken from the files of this house, and referred to the committee on claims.

In pursuance of previous notice, Mr. Comstock asked for and obtained leave to bring in a bill, entitled "An act for the distribution of the Literature fund;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on colleges, academies and common schools.

Mr. Morrison offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the Comptroller furnish this house, at an early day, with a statement, showing by what person or persons, bank or banks, or other company, the sum of eighty-four thousand dollars, received for the use of this State from the Treasury of the United States, is now held, or with whom it is deposited; on what terms, conditions and agreements; and if on interest, the rate thereof, and the amount which has accrued thereon, and the security, if any, which has been taken therefor.

*Ordered*, That the said resolution be laid on the table.

On motion of Mr. Casner,

*Resolved*, That the papers in relation to the claim of Michael Francisco, for compensation for revolutionary services, be taken from the files of this house, and referred to the committee on the militia and public defence.

On motion of Mr. Van Valkenburgh,

*Resolved*, That the papers in regard to the claims of Samuel J. Elsworth, James C. Robinson and Hiram Chapman, be taken from the files of this house, and referred to the committee on claims.

On motion of Mr. Fonda,

The House then proceeded to the consideration of the resolution heretofore offered by him, and laid on the table; which said resolution is in the words following, to wit :

*Resolved*, That the Clerk furnish each of the messengers of this House with a knife, as good as those of the members, and that the expense thereof be defrayed from the contingent fund of the house.

On motion of Mr. Bloss,

*Ordered*, That the said resolution be laid on the table.

The House then proceeded to the consideration of the bill entitled "An act to amend the act to reduce the number of canal commissioners, and to provide for their election by the people, passed May 6th, 1844."

Mr. Bevens moved that the House do resolve itself into a committee of the whole on the said bill.

Debates were had thereon ; when

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Bevens, and it was determined in the affirmative.

The House then resolved itself into a committee of the whole, on the said bill ; and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Van Schoonhoven, from the said committee, reported progress, and asked for and obtained leave to sit again.

On motion of Mr. Hannum,

The House then adjourned to eleven o'clock to-morrow morning.

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## FRIDAY, JANUARY 17, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. W. H. Campbell.

The minutes of yesterday were read and approved.

The petition of Solomon Brown of the county of Montgomery, praying for relief on work done on the Erie Canal enlargement, and on a contract suspended by the act passed March 29th, 1842, was read, and referred to the committee on claims.

The petition of Terry B. Green of the county of Chemung, praying for relief, was read, and referred to the committee on claims.

The petition of Jacob Scrambling of the county of Monroe, praying for a bill of divorce, was read, and referred to the committee on the judiciary.

Four several petitions of sundry inhabitants of the counties of Otsego and Delaware, praying for the erection of a new county from parts of the counties of Otsego, Chenango and Delaware, with the seat of justice at Unadilla, were read, and referred to the committee on the erection and division of towns and counties.

Five several petitions of sundry inhabitants of the counties of Chenango and Delaware, praying for the erection of a new county from parts of the counties of Otsego, Chenango, Delaware and Broome, with the seat of justice at Bainbridge, were read, and referred to the committee on the erection and division of towns and counties.

The petition of sundry inhabitants of the town of Whitestown in the county of Oneida, praying for the passage of a law to set off from said village a portion of the territory included within its limits, was read, and referred to the committee on the erection and division of towns and counties.

The petition of James Spraker of the county of Montgomery, praying for relief, was read, and referred to the committee on canals.

The petition of the New-Hartford Manufacturing Society, praying for an extension of their charter, was read, and referred to the committee on trade and manufactures.

The petition of Catharine Adams of the city of Utica, an alien, praying for relief, was read, and referred to the committee on the petitions of aliens.

The petition of one hundred and sixty-five inhabitants of the county of Delaware, praying for the passage of an act authorizing the construction of a turnpike road, leading from the Charlotte turnpike road, through the village of Hobart, to the western termination of the road of the Schoharie-kill Bridge Company, was read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the county of Schenectady, praying for the passage of an act to abolish the office of county superintendent of common schools in said county, was read, and referred to the committee on colleges, academies and common schools.

The petition of the board of trustees of the Black River Literary and Religious Institute, and other citizens of the village of Watertown in the county of Jefferson, praying for an alteration of the law in relation to the distribution of the Literature Fund, was read, and referred to the committee on colleges, academies and common schools.

The petition of sundry inhabitants of the county of Cortland, praying for the incorporation of the American Foreign Bible Society, was read, and referred to the committee on charitable and religious societies.

The remonstrance of the American Bible Society, against the incorporation of the American Foreign Bible Society, was read, and referred to the committee on charitable and religious societies.

Four several petitions of sundry inhabitants of the counties of Otsego, Erie and Broome, praying for the passage of a penal law for the suppression of licentiousness, were read, and referred to the select committee on that subject.

Two several petitions of sundry inhabitants of the counties of Onondaga and Oneida, praying for a change in the license law, were read, and referred to the select committee on that subject.

The petition of the board of supervisors of the county of Schenectady, praying for the passage of a law respecting the number of superintendents of the poor to be appointed in said county, was read, and referred to the committee on the internal affairs of towns and counties.

Two several petitions of sundry inhabitants of the county of Cortland, praying for the repeal of the law abolishing the office of commissioner of deeds, and for other purposes, were read, and referred to the committee on the judiciary.

Two several petitions of sundry inhabitants of the counties of Chenango and Clinton, praying for an extension of the time for the collection of taxes in said counties, were read, and referred to the committee on the judiciary.

The petition of F. P. Allen of the county of Franklin, praying for relief, for publishing the canvass of votes given for senators at the general election of 1843, was read, and referred to the committee on the judiciary.

The petition of the board of supervisors of the county of Genesee, praying for the passage of a law reducing the compensation of the



sheriff for transporting a single convict to the State prison or house of refuge, was read, and referred to the committee on the judiciary.

The remonstrance of sundry inhabitants of the county of Niagara, against a change of the law in relation to the police justice of the village of Lockport in said county, was read, and referred to the committee on the judiciary.

The petition of Edward Simms Watson of the county of Oneida, praying for the passage of an act to change his name to that of Edward Simms, was read, and referred to the committee on the judiciary.

Three several petitions of sundry inhabitants of the counties of Montgomery and Herkimer, praying for an amendment of the act entitled "An act to reduce the number of canal commissioners, and to provide for their election by the people," passed May 6th, 1844, were read, and referred to the committee of the whole when on the bill upon that subject.

Two several remonstrances of sundry inhabitants of the county of Montgomery, against any amendment of the law passed May 6, 1844, designating the manner of appointing the acting canal commissioners, were read, and referred to the committee of the whole when on the bill upon that subject.

Mr. Bloss, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to discontinue Eleventh-street in the city of New-York, between Broadway and the Bowery," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

The Senate sent for concurrence, the bill entitled "An act to extend the time for the collection of taxes for the year 1844;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

Mr. Harris gave notice that, on some future day, he would ask leave to introduce a bill to amend the act entitled "An act to incorporate the Albany County Mutual Insurance Company."

Mr. Harris gave notice that he would, on some future day, ask leave to introduce a bill to amend an act entitled "An act to amend an act relating to the city of Albany," passed March, 1844.

Mr. Knapp gave notice that he would, at an early day, ask leave to introduce a bill authorizing the Surveyor General to lease certain lands belonging to the State, in the St. Regis reservation, to John Moore of Fort-Covington in the county of Franklin.

Mr. Morrison gave notice that he would, at some future day, introduce a bill giving keepers of boarding houses in the city of New-York a lien on the goods of their boarders, for arrears of board.

Mr. Horton offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the Comptroller be requested to furnish to this House, at an early day, the amount of real estate, as assessed in the different counties of this State, for the years 1843 and 1844 respectively ; also the amount of State tax assessed on each county, paid or to be paid for said years.

*Ordered*, That the said resolution be laid on the table.

Mr. D. Lee offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the members of the Legislature, and such persons as they may invite, have the privilege of holding meetings in the Assembly chamber, one evening in each week during the session, to discuss subjects connected with the practice and science of agriculture.

*Ordered*, That the said resolution be laid on the table.

Mr. Bloss offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the concurrent resolutions submitted to this House on the eighth instant, relating to an amendment of the Constitution of this State, so as to extend the right of suffrage to colored citizens without a property qualification ; and also all petitions and papers on that subject, heretofore presented to this house, and referred to a standing committee of the house, be referred to a select committee.

*Ordered*, That the said resolution be laid on the table.

Mr. Worden offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the Canal Board report to this House the damages awarded to canal contractors for breaches of contracts on the part of the State, in consequence of the suspension of the public works by the act of 1842 ; specifying the names of the contractors to whom such damages have been awarded, and the amount awarded to each, and the nature of the contract for the breach of which such damages were awarded, and the cost to complete the work to be performed under each of such contracts.

*Ordered*, That the said resolution be laid on the table.

On motion of Mr. Sears,

*Resolved*, That the petition and papers of Aaron Knapp be taken from the files of the house, and referred to the committee on claims.

On motion of Mr. M'Key,

*Resolved*, That a respectful message be transmitted to the Senate, requesting that the petition of Terry B. Green and wife, praying for damages on account of the construction of the Chemung canal, be taken from the files of that house, and delivered to the Clerk of the Assembly, and that he deliver the same to the committee on claims ; and also that a like message be transmitted to the Senate, requesting that the petition and papers of William Rockwell, praying for the passage of a law requiring the Canal Appraisers to appraise damages sustained by him, be taken from the files of the Senate, and delivered to the Clerk of the Assembly, and that he deliver the same to the committee on claims.

Mr. Coe moved that the House do proceed to the consideration of the resolution heretofore offered by Mr. Fonda ; which said resolution is in the words following, to wit :

*Resolved*, That the Clerk furnish each of the messengers of this House with a knife, as good as those of the members, and that the expense thereof be defrayed from the contingent fund of the house.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Coe, and it was determined in the affirmative.

Mr. Blake moved to amend the said resolution, by adding thereto the words "also a copy of the New-England Primer."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Blake, and it was determined in the negative.

Mr. Huntington moved to amend the said resolution, by striking out the words "as good as those of the members," and inserting in lieu thereof the words "six shillings."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Huntington, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

On motion of Mr. Brower,

The House then proceeded to the consideration of the resolution heretofore offered by Mr. Niven; which said resolution is in the words following, to wit:

*Resolved*, That immediately upon the House being called to order each morning, the centre and north doors shall be closed, and so remain closed until the adjournment; and that all ingress and egress shall, during the sittings of the house, be through the south door and ante-rooms.

Mr. Bloss moved to amend the said resolution, so as to omit the north door, and include the centre door only.

On motion of Mr. Blake,

*Ordered*, That the said motion and resolution be laid on the table.

Mr. Speaker announced the appointment of the select committee on the annexation of Texas to the Union, to consist of Mr. Frisbee, Mr. Van Valkenburgh, Mr. Billings, Mr. Fonda and Mr. Walrath.

The House then again resolved itself into a committee of the whole, on the bill entitled "An act to amend the act to reduce the number of canal commissioners, and to provide for their election by the people, passed May 6th, 1844;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Van Schoonhoven, from the said committee, reported progress, and asked for and obtained leave to sit again.

On motion of Mr. T. R. Lee,

*Ordered*, That the several amendments offered to the said bill in committee of the whole, be printed.

The report of the Commissioners of the Land-office, on the petition of Peter Bain and others, was received, read, and referred to the committee on the public lands.

[See Document No. 18.]

On motion of Mr. Garretson,

The House then adjourned to eleven o'clock to-morrow morning.



## SATURDAY, JANUARY 18, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. A. Bronson.

The minutes of yesterday were read and approved.

The petition of Ezra Perry of the county of Suffolk, praying for a bill of divorce, was read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the county of Steuben, praying for the passage of a law declaring the stealing of timber to be a felony, was read, and referred to the committee on the judiciary.

The petition of Benjamin W. Payne and others of the county of Steuben, praying for an alteration of the Constitution, so as to remove the property qualification required of colored voters, was read, and referred to the committee on the judiciary.

The petition of Joseph A. Holmes of the county of Monroe, an alien, praying for relief, was read, and referred to the committee on the petitions of aliens.

Three several petitions of sundry inhabitants of the counties of Otsego and Delaware, praying for the erection of a new county from parts of the counties of Otsego, Chenango and Delaware, with the seat of justice at Unadilla, were read, and referred to the committee on the erection and division of towns and counties.

The petition of Sarah Combs of the city of New-York, praying for relief, was read, and referred to the committee on the petitions of aliens.

The petition of two hundred and eighty inhabitants of the city of Buffalo, praying for the incorporation of the American and Foreign Bible Society, was read, and referred to the committee on charitable and religious societies.

The petition of George Sutton, S. R. Martin, John Griffiths, Henry V. Clearman, Samuel Chappel, John Brown, Henry Volk, Charles Olmstead and Thomas Gardiner, trustees of the Corporation of the Berean Baptist Church of the city of New-York, praying for an amendment of their charter, was read, and referred to the committee on charitable and religious societies.

The petition of the board of supervisors of the county of Genesee, praying for the passage of a law requiring the Comptroller to furnish annually the names of the sureties of the commissioners of loans for each county, to the clerk of the board of supervisors of said county, was read, and referred to the committee on the internal affairs of towns and counties.

The petition of the board of supervisors of the county of Delaware, praying for the passage of an act to abolish the office of deputy superintendent of common schools, was read, and referred to the committee on colleges, academies and common schools.

The petition of Joseph Jaqueth and others of the county of Onondaga, praying for the passage of an act to place the sidecut canal in the village of Liverpool under the care of the superintendent of the Oswego Canal, was read, and referred to the committee on canals.

The petition of sundry inhabitants of the county of St. Lawrence, praying for the fulfilment of the law of 1836, directing the Canal Commissioners to construct the Black River Canal, was read, and referred to the committee on canals.

Two several petitions of sundry inhabitants of the county of Cattaraugus, praying for the passage of such laws as will ensure the resumption of work on the Genesee Valley Canal in the ensuing spring, were read, and referred to the committee on canals.

Two several petitions of sundry inhabitants of the county of Essex, praying for the passage of an act to make Trout brook a public highway, were read, and referred to the committee on roads and bridges.

The remonstrance of sundry inhabitants of the county of Essex, against making Trout brook a public highway, was read, and referred to the committee on roads and bridges.

Three several petitions of John G. Wheelock and others, Peter Quick and Samuel Hart, and William Candee, praying for relief from canal damages, were read, and referred to the committee on canals.

Two several petitions of sundry inhabitants of the counties of Rensselaer and Schenectady, praying for an amendment of the act to reduce the number of canal commissioners, and to provide for their election by the people, were read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the city of New-York, praying for the passage of a law in relation to the construction of the New-York and Erie railroad, was read, and referred to the committee on railroads.

The petition of sundry inhabitants of the county of Oswego, praying for an extension of the charter for a railroad from Syracuse to Oswego, was read, and referred to the committee on railroads.

The petition of the New-York, Albany and Troy Railroad Company, praying for an amendment of their charter, was read, and referred to the committee on railroads.

The petition of the New-York and Erie Railroad Company, praying for the consent of the Legislature, to the end that they may connect their road with continuations thereof to the counties of Pike and Susquehanna in the State of Pennsylvania, and with the Corning and Blossburgh railroad, was read, and referred to the committee on railroads.

Two several petitions of sundry inhabitants of the counties of Lewis, Onondaga and Cortland, praying for the passage of a law to suppress licentiousness, were read, and referred to the select committee on that subject.

The petition of sundry inhabitants of the county of Wayne, praying for the passage of a law submitting to the people the question of license or no license, was read, and referred to the select committee on that subject.

Three several memorials of sundry inhabitants of the counties of Onondaga, Rensselaer and Albany, remonstrating against the annexation of Texas to the Union, were read, and referred to the select committee on that subject.

Mr. M'Carthy, from the committee on the manufacture of salt, to which was referred the bill entitled "An act to amend the act entitled

'An act to increase the revenues of the State, by extending the markets for salt, coal and lead,' passed April 18th, 1843," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

On motion of Mr. Horton,

The House proceeded to the consideration of the resolution heretofore offered by him ; which said resolution is in the words following :

*Resolved*, That the Comptroller be requested to furnish to this House, at an early day, the amount of real estate, as assessed in the different counties of this State, for the years 1843 and 1844 respectively ; also the amount of State tax assessed on each county, paid or to be paid for said years.

Mr. Howard moved to amend the said resolution, by inserting the years 1841 and 1842.

Mr. Speaker put the question whether the House would agree to the said amendment, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to the said resolution, as amended, and it was determined in the affirmative.

On motion of Mr. D. Lee,

The House proceeded to the consideration of the resolution heretofore offered by him ; which said resolution is in the words following :

*Resolved*, That the members of the Legislature, and such persons as they may invite, have the privilege of holding meetings in the Assembly chamber one evening in each week during the session, to discuss subjects connected with the practice and science of agriculture.

Mr. D. Lee moved to amend the said resolution, by striking out the word "one" after the word "chamber," and inserting in lieu thereof the words "on Thursday."

Mr. Speaker put the question whether the House would agree to the said amendment, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to the said resolution, as amended, and it was determined in the affirmative.

On motion of Mr. Worden,

The House proceeded to the consideration of the resolution heretofore offered by him ; which said resolution is in the words following :

*Resolved*, That the Canal Board report to this House the damages awarded to canal contractors for breaches of contracts on the part of the State, in consequence of the suspension of the public works by act of 1842 ; specifying the names of the contractors to whom such damages have been awarded, and the amount awarded to each, and the nature of the contract for the breach of which such damages have been awarded, and the cost to complete the work to be performed under each of such contracts.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.



On motion of Mr. Wyckoff,

*Resolved*, That a respectful message be transmitted to the Senate, requesting that the petition and papers on the files of that house, relating to an application to incorporate the Brooklyn Quay Company, be delivered to the Clerk of this House, for the use of the committee on trade and manufactures.

On motion of Mr. Harris,

*Resolved*, That the petition of Henry Rector, for services rendered in the construction of the New State Hall, and the papers accompanying the same, be taken from the files of this house, and referred to the committee on claims.

Mr. Horton offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the Superintendent of Common Schools be required to furnish one copy of the common school reports for the year 1844 to each school district of this State, agreeable to his recommendation contained in the common school reports for the year 1843.

*Ordered*, That the said resolution be laid on the table.

On motion of Mr. Long,

*Resolved*, That the petition of Jarvis A. Hall and Maria his wife, be taken from the committee on the petitions of aliens, and referred to the committee on the judiciary.

Mr. Wilcox gave notice that he would, at some future day, ask leave to bring in a bill, making it obligatory on the several towns in the county of Saratoga to audit and pay all criminal charges by reason of any and all criminal prosecutions and trials in said county (except cases of grand larceny).

On motion of Mr. Thompson,

*Resolved*, That two hundred extra copies of the special report of the Trustees of the State Library, relative to the purchase of the Warden Library, be printed for the use of said trustees, and of the joint library committee.

On motion of Mr. Bevens,

*Resolved*, That the committee on canals be discharged from the further consideration of the petition in favor of the completion of the aqueduct at Spraker's basin, and to bring the double locks into use, and that said petition be referred to the Canal Commissioners.

On motion of Mr. Chase,

*Resolved*, That the petition of sundry inhabitants of the town of Sidney in the county of Delaware, praying for the erection of a new county from parts of Otsego, Chenango and Delaware counties, be transferred from the committee on the internal affairs of towns and counties, to the committee on the erection and division of towns and counties.

The House then again resolved itself into a committee of the whole, on the bill entitled "An act to amend an act to reduce the number of canal commissioners, and to provide for their election by the people, passed May 6th, 1844 ;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Van Schoonhoven, from the said committee, reported progress, and asked for and obtained leave to sit again.

By unanimous consent,

Mr. Van Schoonhoven offered for the consideration of the House the following resolutions, to wit :

WHEREAS his Excellency the Governor of Massachusetts, in pursuance of resolutions passed by the Legislature of that Commonwealth, did, during the last year, with the advice and consent of the Council thereof, duly appoint and commission the Hon. Samuel Hoar, a citizen of said commonwealth, as an agent or commissioner on her part to proceed to and reside in the city of Charleston in the State of South-Carolina, for the purpose of collecting and transmitting accurate information as to the number and names of citizens of Massachusetts who might theretofore have been or who might then be imprisoned in that city without the allegation of any crime, with full authority also on the part of said agent to bring and prosecute suits in behalf of any citizens who might be so imprisoned, at the expense of Massachusetts, for the purpose of having the legality of such imprisonment tried and determined in the Supreme Court of the United States : And whereas in pursuance of the purpose of such appointment, and in the prompt discharge of the official duties thus assigned to the Hon. Samuel Hoar, he did, in the month of November last, proceed to the city of Charleston, and immediately on his arrival communicate by letter to his Excellency the Governor of South-Carolina the fact of his appointment by the authorities of Massachusetts as agent for the purposes aforesaid, and of his presence in the city of Charleston for the discharge of such agency ; and his Excellency the Governor of South-Carolina was pleased thereupon to communicate by message with the Legislature of that State, then in session at Columbia, informing that Honorable Body of the arrival and commission of the Hon. Samuel Hoar, and submitting to them to determine upon the course of action most appropriate under the circumstances : And whereas the Honorable the Legislature of South-Carolina, on the reception of the message of his Excellency thus communicated, did, without delay, and with but a single dissenting voice, adopt and declare resolutions in the words following (or to the following effect), to wit :

*Resolved*, That the right to exclude from their territories seditious persons or others, whose presence may be dangerous to their peace, is essential to every independent State.

*Resolved*, That free negroes and persons of color are not citizens of the United States within the meaning of the Constitution, which confers upon the citizens of one State the privileges and immunities of citizens in the several States.

*Resolved*, That the emissary sent by the State of Massachusetts to the State of South-Carolina, with the avowed purpose of interfering with her institutions and disturbing her peace, is to be regarded in the character he has assumed, and to be treated accordingly.

*Resolved*, That his Excellency the Governor be requested to expel from our territory the said agent, after due notice to depart ; and that the Legislature will sustain the Executive authority in any measures it may adopt for the purpose aforesaid.

AND WHEREAS it was represented by the Hon. Samuel Hoar, in a

communication addressed by him to the Secretary of the Commonwealth of Massachusetts, and at his request presented to the Executive thereof, who transmitted the same to both branches of the Legislature of that State, bearing date December 20th, 1844, that the said Samuel Hoar, subsequent to the passage of said resolutions by the Legislature of South-Carolina, was peremptorily and forcibly obstructed in the execution of the duties of his agency above specified, by the authorities of Charleston; threatened with personal violence by some of the residents of that city, in case he should remain therein to discharge said duties; and finally expelled from and conducted out of said State, by many of her leading and distinguished citizens, against his will and in utter disregard of his protestations to the contrary, in defiance of the constitutional rights of himself and of the State he represented:

Therefore,

*Resolved*, (if the Senate concur,) 'That in the judgment of the Legislature of this State, the Commonwealth of Massachusetts has sustained, in these proceedings on the part of the Legislature of the State of South-Carolina, and of the local authorities of Charleston, a very gross indignity, as well as a violation of her most sacred rights: The object and purpose of the agency established by Massachusetts, to wit, the liberation of her citizens from unlawful incarceration and servitude, and the vindication of the immunities and privileges of her people as guaranteed by the Federal Constitution, were not only consistent with every obligation and duty which she as a member of our National Confederacy might owe to South-Carolina and her sister States, but to secure the accomplishment of that object and purpose she was powerfully impelled by the highest considerations of duty to herself as well as the country at large; and in the prosecution of her noble design, she clearly conducted her proceedings with all due respect to the dignity as well as the constitutional rights of South-Carolina.

*Resolved*, That the Legislature of this State regard the passage of any law conflicting with the plain and palpable provisions of the Constitution of the United States, and affecting the personal liberties as well as the commercial interests of all or either of the States of the Union, as at all times and particularly at the present day to be deprecated, and worthy to be rebuked by the public sentiment of the country: That in our judgment the provision of the act of the Legislature of South-Carolina, passed December 29th, 1835, prohibiting any free negro or person of color from entering that State on board any vessel as cook, steward or mariner, or in any other employment on board thereof, and authorizing the sheriff of any district of said State in whose harbor or port such vessel may arrive, to apprehend and incarcerate such free negro or colored person until such vessel shall be ready to proceed to sea, conflicts with and directly violates section second of article fourth of the Constitution of the United States, which declares that "the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States;" and also section eighth of article first of said Constitution, which empowers Congress "to regulate commerce with foreign nations and among the several States, and with Indian tribes:." That as a member of the American Confederacy, deeply in-



terested in this matter, New-York is called upon to protest, and she hereby does most solemnly protest against the said law so as aforesaid enacted by South-Carolina; declaring at the same time her deliberate conviction that the principles and proceedings held and adopted by the said State in this unpleasant and embarrassing controversy with Massachusetts, are utterly untenable and unjustifiable, as well as directly calculated to introduce and perpetuate discord and disorder among the States of the Union.

*Resolved*, That his Excellency the Governor of this State be requested forthwith to transmit copies of the foregoing preamble and resolution to his Excellency the Governor of Massachusetts, to his Excellency the Governor of South-Carolina, and also to the chief executive officers of the several States of the Union.

Pending the consideration of the said resolutions, the hour of twelve o'clock at noon arrived; when,

Pursuant to title sixth, article fourth of the sixth chapter of the first part of the Revised Statutes of this State, and agreeably to the concurrent resolution of the Senate and Assembly, the House proceeded to nominate a Senator to represent this State in the Senate of the United States, in the place of the Hon. Silas Wright, resigned; and also a Senator in the place of the Hon. Nathaniel P. Tallmadge, resigned; when each member present openly nominated as follows, to wit:

*For a Senator to represent this State in the Senate of the United States, in the place of the Hon. SILAS WRIGHT, resigned, for the term which will expire on the fourth day of March, 1849.*

#### FOR JOHN A. DIX.

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. Fonda        | Mr. Pierce          |
| Mr. Bagg        | Mr. D. Gould     | Mr. Porter          |
| Mr. Bailey      | Mr. Gregory      | Mr. Preston         |
| Mr. Bevens      | Mr. Hall         | Mr. Rogers          |
| Mr. Billings    | Mr. Harden       | Mr. Russell         |
| Mr. Boughton    | Mr. Hazelton     | Mr. Sager           |
| Mr. J. Brooks   | Mr. Hervey       | Mr. Salisbury       |
| Mr. M. Brooks   | Mr. Hine         | Mr. Searing         |
| Mr. Brower      | Mr. Howard       | Mr. Sears           |
| Mr. L. H. Brown | Mr. Jones        | Mr. Skelton         |
| Mr. A. H. Buell | Mr. Kinne        | Mr. A. C. Smith     |
| Mr. Bunker      | Mr. Knapp        | Mr. W. Smith        |
| Mr. Burdick     | Mr. T. R. Lee    | Mr. Speaker         |
| Mr. Cameron     | Mr. M'Carthy     | Mr. R. L. Stevenson |
| Mr. Carpenter   | Mr. M'Donald     | Mr. Strobbridge     |
| Mr. Chase       | Mr. M'Key        | Mr. Tefft           |
| Mr. Comstock    | Mr. C. B. Miller | Mr. Thayer          |
| Mr. Constant    | Mr. S. Miller    | Mr. Titus           |
| Mr. Crain       | Mr. Morris       | Mr. Tuthill         |
| Mr. Danforth    | Mr. Newkirk      | Mr. Van Valkenburgh |
| Mr. Dickson     | Mr. Niven        | Mr. Walrath         |
| Mr. Fellows     | Mr. Pardee       | Mr. Whitney         |

## FOR MILLARD FILLMORE.

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Barber       | Mr. Frisbee    | Mr. Mann            |
| Mr. Betts        | Mr. Garretson  | Mr. Raymond         |
| Mr. Bloss        | Mr. Giffard    | Mr. Rice            |
| Mr. Bowen        | Mr. G. Goold   | Mr. Sherman         |
| Mr. S. A. Brown  | Mr. Hammond    | Mr. Spring          |
| Mr. T. Buel      | Mr. Hannum     | Mr. J. Stevenson    |
| Mr. Bush         | Mr. Harris     | Mr. Sweeney         |
| Mr. Casner       | Mr. Heermans   | Mr. Tibbitts        |
| Mr. Coe          | Mr. Horton     | Mr. Van Schoonhoven |
| Mr. Collins      | Mr. Huntington | Mr. Wells           |
| Mr. C. F. Crosby | Mr. Johnson    | Mr. White           |
| Mr. E. Crosby    | Mr. D. Lee     | Mr. Wilcox          |
| Mr. Dewey        | Mr. Litchfield | Mr. Worden          |
| Mr. Edwards      | Mr. Long       | Mr. A. W. Young     |
| Mr. Field        | Mr. M'Vean     | Mr. J. Young        |

45

## FOR H. B. CROPSEY.

|            |               |              |
|------------|---------------|--------------|
| Mr. Blake  | Mr. Mather    | Mr. Ross     |
| Mr. Culver | Mr. Mersereau | Mr. Thompson |
| Mr. De Puy | Mr. Morrison  | Mr. Wheeler  |
| Mr. Fenn   | Mr. Moulton   | Mr. Wyckoff  |
| Mr. Hunt   | Mr. Oakley    | Mr. Winant   |
| Mr. Jarvis |               |              |

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Thereupon,

Mr. John A. Dix, having been nominated by a majority of the members present, was duly nominated for the office of Senator in the Congress of the United States, from the State of New-York, on the part of the Assembly, in the place of the Hon. Silas Wright, resigned, for the term which will expire on the fourth day of March, 1849.

The House then proceeded to nominate a Senator to represent this State in the Senate of the United States, in the place of the Hon. Nathaniel P. Tallmadge, resigned; for the term which will expire on the fourth day of March, 1845; when each member present openly nominated as follows, to wit :

## FOR DANIEL S. DICKINSON.

|                 |               |              |
|-----------------|---------------|--------------|
| Mr. Bachman     | Mr. Bunker    | Mr. Fonda    |
| Mr. Bagg        | Mr. Burdick   | Mr. D. Gould |
| Mr. Bailey      | Mr. Cameron   | Mr. Gregory  |
| Mr. Bevins      | Mr. Carpenter | Mr. Hall     |
| Mr. Billings    | Mr. Chase     | Mr. Harden   |
| Mr. Boughton    | Mr. Comstock  | Mr. Hazelton |
| Mr. J. Brooks   | Mr. Constant  | Mr. Hervey   |
| Mr. M. Brooks   | Mr. Crain     | Mr. Hine     |
| Mr. Brower      | Mr. Danforth  | Mr. Howard   |
| Mr. L. H. Brown | Mr. Dickson   | Mr. Jones    |
| Mr. A. H. Buel  | Mr. Fellows   | Mr. Kinne    |

|                  |                 |                     |
|------------------|-----------------|---------------------|
| Mr. Knapp        | Mr. Pierce      | Mr. W. Smith        |
| Mr. T. R. Lee    | Mr. Porter      | Mr. Speaker         |
| Mr. M'Carthy     | Mr. Preston     | Mr. R. L. Stevenson |
| Mr. M'Donald     | Mr. Rodgers     | Mr. Strowbridge     |
| Mr. M'Key        | Mr. Russell     | Mr. Tefft           |
| Mr. C. B. Miller | Mr. Sager       | Mr. Thayer          |
| Mr. S. Miller    | Mr. Salisbury   | Mr. Titus           |
| Mr. Morris       | Mr. Searing     | Mr. Tuthill         |
| Mr. Newkirk      | Mr. Sears       | Mr. Van Valkenburgh |
| Mr. Niven        | Mr. Skelton     | Mr. Walrath         |
| Mr. Pardee       | Mr. A. C. Smith | Mr. Whitney         |

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## FOR WILLIS HALL.

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Barber       | Mr. Frisbee    | Mr. Mann            |
| Mr. Betts        | Mr. Garretson  | Mr. Raymond         |
| Mr. Bloss        | Mr. Giffard    | Mr. Rice            |
| Mr. Bowen        | Mr. G. Goold   | Mr. Sherman         |
| Mr. S. A. Brown  | Mr. Hammond    | Mr. Spring          |
| Mr. T. Buel      | Mr. Hannum     | Mr. J. Stevenson    |
| Mr. Bush         | Mr. Harris     | Mr. Sweeney         |
| Mr. Casner       | Mr. Heermans   | Mr. Tibbetts        |
| Mr. Coe          | Mr. Horton     | Mr. Van Schoonhoven |
| Mr. Collins      | Mr. Huntington | Mr. Wells           |
| Mr. C. F. Crosby | Mr. Johnson    | Mr. White           |
| Mr. E. Crosby    | Mr. D. Lee     | Mr. Wilcox          |
| Mr. Dewey        | Mr. Litchfield | Mr. Worden          |
| Mr. Edwards      | Mr. Long       | Mr. A. W. Young     |
| Mr. Field        | Mr. M'Vean     | Mr. J. Young        |

45

## FOR JONATHAN THOMPSON.

|            |               |              |
|------------|---------------|--------------|
| Mr. Blake  | Mr. Mather    | Mr. Ross     |
| Mr. Culver | Mr. Mersereau | Mr. Thompson |
| Mr. De Puy | Mr. Morrison  | Mr. Wheeler  |
| Mr. Fenn   | Mr. Moulton   | Mr. Wyckoff  |
| Mr. Hunt   | Mr. Oakley    | Mr. Wynant   |
| Mr. Jarvis |               |              |

16

Thereupon,

Mr. Speaker declared that Daniel S. Dickinson, having been nominated by a majority of the members present, was duly nominated for the office of Senator in the Congress of the United States, from the State of New-York, on the part of the Assembly, in the place of the Hon. Nathaniel P. Tallmadge, resigned, for the term which will expire on the fourth day of March, 1845.

On motion of Mr. T. R. Lee,

*Resolved*, That John A. Dix be, and he is hereby nominated on the part of the Assembly, a Senator to represent this State in the Senate of the Congress of the United States, to fill the vacancy occasioned by the resignation of Silas Wright, for the term which will expire on the fourth day of March, 1849.



On motion of Mr. T. R. Lee,

*Resolved*, That Daniel S. Dickinson be, and he is hereby nominated on the part of the Assembly, a Senator to represent this State in the Senate of the Congress of the United States, to fill the vacancy occasioned by the resignation of Nathaniel P. Tallmadge, for the term which will expire on the fourth day of March, 1845.

A resolution of the Senate was received and read, in the words following, to wit :

*Resolved*, (if the Assembly concur,) That the Senate will immediately meet the Assembly in the Assembly chamber, to compare their respective nominations for the offices of Senator in the Congress of the United States.

Thereupon,

*Resolved*, That the Assembly will immediately meet the Senate in the Assembly chamber, to compare their respective nominations for the offices of Senator in the Congress of the United States.

*Ordered*, That the Clerk deliver a copy of the preceding resolution to the Senate.

The Senate accordingly attended in the Assembly chamber; and having withdrawn, Mr. Speaker informed the House, that on comparing the respective nominations of the Senate and Assembly, they were found to agree in the name of John A. Dix, to represent this State in the Senate of the Congress of the United States, to fill the vacancy occasioned by the resignation of Silas Wright, for the term which will expire on the fourth day of March, 1849; and also in the name of Daniel S. Dickinson, to represent this State in the Senate of the Congress of the United States, to fill the vacancy occasioned by the resignation of Nathaniel P. Tallmadge, for the term which will expire on the fourth day of March, 1845.

Thereupon,

Mr. Speaker declared John A. Dix duly chosen by the Legislature, a Senator to represent the State of New-York in the Senate of the Congress of the United States, for the term which will expire on the fourth day of March, 1849.

And Mr. Speaker further declared Daniel S. Dickinson duly chosen by the Legislature, a Senator to represent the State of New-York in the Senate of the Congress of the United States, for the term which will expire on the fourth day of March, 1845.

The House then resumed the consideration of the resolutions offered by Mr. Van Schoonhoven, which was suspended at the hour of twelve o'clock at noon, in pursuance of a joint resolution of the Senate and Assembly.

Mr. Niven moved that the said resolutions be laid on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Niven, and it was determined in the affirmative.

Mr. Coe moved that the said resolutions be printed.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Coe, and it was determined in the negative.

{ AYES 62 }  
 { NAYS 64 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Barber       | Mr. Giffard    | Mr. Oakley          |
| Mr. Betts        | Mr. G. Gould   | Mr. Raymond         |
| Mr. Blake        | Mr. Hammond    | Mr. Rice            |
| Mr. Bloss        | Mr. Hannum     | Mr. Sherman         |
| Mr. Bowen        | Mr. Harris     | Mr. Spring          |
| Mr. S. A. Brown  | Mr. Heermans   | Mr. J. Stevenson    |
| Mr. T. Buel      | Mr. Hine       | Mr. Sweeney         |
| Mr. Bush         | Mr. Horton     | Mr. Thompson        |
| Mr. Casner       | Mr. Howard     | Mr. Tibbetts        |
| Mr. Coe          | Mr. Hunt       | Mr. Van Schoonhoven |
| Mr. Collins      | Mr. Huntington | Mr. Walrath         |
| Mr. C. F. Crosby | Mr. Jarvis     | Mr. Wells           |
| Mr. E. Crosby    | Mr. Johnson    | Mr. Wheeler         |
| Mr. Culver       | Mr. D. Lee     | Mr. White           |
| Mr. De Puy       | Mr. Litchfield | Mr. Wilcox          |
| Mr. Dewey        | Mr. Long       | Mr. Worden          |
| Mr. Edwards      | Mr. M'Vean     | Mr. Wyckoff         |
| Mr. Fenn         | Mr. Mann       | Mr. Wynant          |
| Mr. Field        | Mr. Mather     | Mr. A. W. Young     |
| Mr. Frisbee      | Mr. Mersereau  | Mr. J. Young        |
| Mr. Garretson    | Mr. Morrison   |                     |

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Those who voted in the negative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. D. Gould     | Mr. Porter          |
| Mr. Bagg        | Mr. Gregory      | Mr. Preston         |
| Mr. Bailey      | Mr. Hall         | Mr. Rodgers         |
| Mr. Billings    | Mr. Harden       | Mr. Ross            |
| Mr. Boughton    | Mr. Hazelton     | Mr. Russell         |
| Mr. J. Brooks   | Mr. Hervey       | Mr. Sager           |
| Mr. M. Brooks   | Mr. Jones        | Mr. Salisbury       |
| Mr. Brower      | Mr. Kinne        | Mr. Searing         |
| Mr. L. H. Brown | Mr. Knapp        | Mr. Sears           |
| Mr. A. H. Buel  | Mr. T. R. Lee    | Mr. Skelton         |
| Mr. Bunker      | Mr. M'Carthy     | Mr. A. C. Smith     |
| Mr. Burdick     | Mr. M'Donald     | Mr. W. Smith        |
| Mr. Cameron     | Mr. M'Key        | Mr. Speaker         |
| Mr. Carpenter   | Mr. C. B. Miller | Mr. R. L. Stevenson |
| Mr. Chase       | Mr. S. Miller    | Mr. Strobbridge     |
| Mr. Comstock    | Mr. Morris       | Mr. Tefft           |
| Mr. Constant    | Mr. Moulton      | Mr. Thayer          |
| Mr. Crain       | Mr. Newkirk      | Mr. Titus           |
| Mr. Danforth    | Mr. Niven        | Mr. Tuthill         |

Mr. Dickson  
Mr. Fellows  
Mr. Fonda

Mr. Pardee  
Mr. Pierce

Mr. Van Valkenburgh  
Mr. Whitney

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The Senate sent for concurrence, the bill entitled "An act to prevent persons appearing disguised and armed ;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

On motion of Mr. Coe,

The House then adjourned to eleven o'clock on Monday morning.

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## MONDAY, JANUARY 20, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Miles.

The minutes of Saturday were read and approved.

The petition of sundry inhabitants of the town of Cortland in the county of Westchester, praying for the construction of a road through the Highlands, by convict labor, was read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the county of Jefferson, praying for the passage of an act to renew and extend the charter for a railroad from Oswego to Syracuse, was read, and referred to the committee on railroads.

The petition of the board of supervisors of the county of Tioga, praying for the passage of a law directing certain records of mortgages to be transcribed, or that new mortgages be given, was read, and referred to the committee on the internal affairs of towns and counties.

Four several petitions of sundry inhabitants of the counties of Chenango, Broome and Delaware, praying for the erection of a new county, to be called the county of Wright, from parts of the counties of Chenango, Otsego, Broome and Delaware, with the seat of justice at Bainbridge, were read, and referred to the committee on the erection and division of towns and counties.

Two several petitions of sundry inhabitants of the county of Delaware, praying for the erection of a new county from parts of the counties of Otsego, Chenango and Delaware, with the seat of justice at Unadilla, were read, and referred to the committee on the erection and division of towns and counties.

Two several remonstrances of sundry inhabitants of the town of Otego in the county of Otsego, against being included within the territory of the proposed new county of Unadilla, were read, and referred to the committee on the erection and division of towns and counties.

The petition of Daniel Jackson and others of the county of Orange, praying for the erection of a new town in said county, was read, and



referred to the committee on the erection and division of towns and counties.

The petition of A. B. Preston, Lucinda Brigham and others, praying for the incorporation of the Ellenville Glass Company in the county of Ulster, was read, and referred to the committee on trade and manufactures.

The petition of William Coleman, praying for relief, in consequence of a wrong classification of materials by the engineer having in charge the construction of locks number 28 and 31, whereby he was led to procure an extra quantity of stone ; and also for relief for completing a culvert on section 53 on the Erie canal enlargement, after the passage of the suspension act of March 29th, 1842, was read, and referred to the committee on canals.

The petition of Henry Archer of the county of Clinton, an alien, praying for the passage of a law authorizing him to hold and convey real estate, was read, and referred to the committee on the petitions of aliens.

The petition of sundry inhabitants of the city of New-York, praying for the incorporation of the Mutual Assistance Society for the relief of widows and orphans of the Jewish persuasion, was read, and referred to the committee on charitable and religious societies.

The petition of Spencer H. Cone and one hundred and seventy-four other inhabitants of the city of New-York, praying for the incorporation of the American and Foreign Bible Society, was read, and referred to the committee on charitable and religious societies.

The petition of the board of supervisors of the county of Chemung, and sundry inhabitants of the county of Onondaga, praying for the passage of a law to abolish the office of county superintendent of common schools, was read, and referred to the committee on colleges, academies and common schools.

The petition of sundry inhabitants of the county of Orange, praying for the passage of a law in reference to the High School in the village of Newburgh, was read, and referred to the committee on colleges, academies and common schools.

The petition of ninety ladies of the county of Genesee, praying for the passage of a law allowing married women to hold property in and of themselves, and also an equal right in the guardianship of children, was read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the town of Ellisburgh in the county of Jefferson, praying for the passage of a law to extend the time for the collection of taxes in said town, was read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the county of Ulster, praying for the passage of a law for the preservation of fish in the Hudson river, was read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the county of Orange, praying for the passage of a law reducing the rates of interest, was read, and referred to the committee on the judiciary.

The petition of the board of supervisors of the county of Delaware, praying for an alteration of the criminal law, and also for the passage of

a law requiring a magistrate, in all cases where a defendant is not held to bail, to collect costs from the person making the complaint, was read, and referred to the committee on the judiciary.

Two several petitions of sundry inhabitants of the counties of Onondaga and Oswego, praying for the passage of a law submitting to the people the question of license or no license, were read, and referred to the select committee on that subject.

The remonstrance of sundry inhabitants of the city of New-York, against the annexation of Texas to the Union, was read, and referred to the select committee on that subject.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the engrossed bill from the Senate, entitled "An act to extend the time for the collection of taxes for the year 1844," reported, that the committee had gone through the said bill, and made sundry amendments thereto; and that they saw no reason why the said bill, as amended, should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the engrossed bill from the Senate, entitled "An act to prevent persons appearing disguised and armed," reported, that the committee had gone through the said bill, and made sundry amendments thereto; and that they saw no reason why the said bill, as amended, should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the report of the committee on privileges and elections, on the communication of Mr. John H. Dayton, relative to his right to a seat in this House as a member of assembly for the county of Suffolk, reported in writing, and concluded by offering the following resolution, to wit :

*Resolved*, That the seat of John H. Dayton is not vacated by his acceptance of the office of Collector of Customs at Sag-Harbor.

[See Document No. 19.]

Mr. Wheeler, from the minority of the committee on the judiciary, submitted a written report on the same subject, and concluded by offering the following resolution, to wit :

*Resolved*, That the seat in this House of John H. Dayton, a member of assembly from Suffolk county, is vacant in consequence of his acceptance of the office of Collector of the Customs for the District of Sag-Harbor.

[See Document No. 20.]

Mr. Morrison moved to lay the said reports and resolutions on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Morrison, and it was determined in the negative.

Mr. Worden moved that the said reports and resolutions be committed to a committee of the whole, and made the special order for to-morrow at twelve o'clock.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Worden, and it was determined in the affirmative.

Mr. Knapp, from the committee on the public lands, to which was referred the petition of John Moore and others of the town of Fort-Covington in the county of Franklin, praying for the passage of a law authorizing the Surveyor General to lease to the said John Moore a certain lot of land in the Mile-square in said town of Fort-Covington, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Knapp accordingly brought in the said bill, entitled "An act authorizing the Surveyor General to lease a certain lot of land belonging to the State in the St. Regis reservation;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Thompson, from the committee on charitable and religious societies, to which was referred the petition of the Baptist Church of Plainville, praying that the name of their church be changed to that of Dundee, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Thompson accordingly brought in the said bill, entitled "An act to authorize the Baptist Church and Society of Plainville to change their name;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Thompson, from the committee on charitable and religious societies, to which was referred the petition of the American Home Missionary Society, praying for an act of incorporation, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Thompson accordingly brought in the said bill, entitled "An act to incorporate the American Home Missionary Society;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

A communication from the Comptroller was received and read, in the words following, to wit :

COMPTROLLER'S OFFICE, }  
Albany, January 20, 1845. }

TO THE SPEAKER OF THE ASSEMBLY.

SIR,

Herewith is transmitted the Annual Report of the Comptroller.

Respectfully your obedient servant,

A. C. FLAGG.

[See Document No. 25.]

Mr. Crain moved that ten times the usual number of copies of the said report be printed for the use of the Legislature, and two hundred and fifty additional copies for the use of the Comptroller.



Mr. Frisbee moved to amend the said motion of Mr. Crain, by substituting therein the word "twenty" for the word "ten."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Frisbee, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the said motion of Mr. Crain, and it was determined in the affirmative.

The Annual Report of the Canal Commissioners was received.

[See Document No. 28.]

On motion of Mr. Sears,

*Ordered*, That five times the usual number of copies of said report be printed for the use of the Legislature, and two hundred and fifty additional copies for the use of the Canal Commissioners.

The Senate sent for concurrence a resolution, in the words following, to wit :

*Resolved*, (if the Assembly concur,) That it be referred to the joint library committee, to inquire and report what disposition ought to be made of the General Index to the Documents and Laws of the State of New-York, prepared and published under a joint resolution of the Senate and Assembly of the 26th March, 1841, by the clerks of the two houses.

Mr. Speaker put the question whether the House would concur with the Senate in their said resolution, and it was determined in the affirmative.

*Ordered*, That the Clerk return the said resolution to the Senate, and inform them that the Assembly have concurred in the same without amendment.

Mr. Moulton moved a reconsideration of the vote on the question to print the resolutions offered on Saturday by Mr. Van Schoonhoven.

*Ordered*, That the said motion be laid on the table.

On motion of Mr. Crain,

*Ordered*, That Mr. A. H. Buell have leave of absence for six days.

Mr. S. Miller gave notice that he would, at an early day, ask leave to introduce a bill, so to amend the act relating to town officers, as to limit the number of assessors in each town of this State to three, and provide for classing them into three classes, denominated first, second and third ; the office of the first class to expire in one, of the second in two, and of the third in three years from the time of their election ; and one assessor to be chosen annually thereafter in each town, whose term of office shall be three years.

On motion of Mr. M'Carthy,

*Resolved*, That the petition and papers on the files of this house, in the matter of the claim of Fitzsimmons and Bready, be taken therefrom, and referred to the committee on grievances.

Mr. Horton offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the Superintendent of Common Schools furnish one copy of the Common School Reports for the year 1844 to each of the school district libraries in this State, as recommended in his former report, and that a sufficient number for this purpose be printed.

*Ordered*, That the said resolution be laid on the table.

On motion of Mr. Boughton,

*Resolved*, That the petition and papers relative to the claims of Marcus Brown against this State, be taken from the files of the house, and referred to the committee on claims.

On motion of Mr. Cameron,

*Resolved*, That the petition and papers on file, in favor of an act to provide for the removal of cases decided by the Canal Board, to the Supreme Court, by certiorari, be taken therefrom, and referred to the committee on canals.

Mr. Morrison gave notice that he would, at some future day, ask leave to introduce a bill to enable the assignee of a chose in action to maintain a suit thereon in his own name, and also to enable an infant wife to join her husband in conveying his estate.

Mr. Skelton gave notice that he would, at some future day, ask leave to introduce a bill for extending the terms of office of town assessors and commissioners of highways, and for classifying the same.

On motion of Mr. Comstock,

*Resolved*, That a respectful message be transmitted to the Senate, requesting that the papers on file in that house, in the matter of the claims of Asa T. Smith, and Sage, Walrath & Dunham, be taken from the files, and delivered to the Clerk of this House.

The Chair announced the appointment of the standing committee on retrenchment, to consist of Mr. Howard, Mr. Pierce, Mr. Billings, Mr. Pardee and Mr. Coe.

Mr. Van Schoonhoven called for the consideration of the resolutions offered by him on Saturday last, relative to a controversy between the States of Massachusetts and South-Carolina.

Mr. Speaker put the question whether the House would proceed to consider the said resolutions, and it was determined in the affirmative.

{ AYES 62 }  
{ NAYS 54 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                  |              |                     |
|------------------|--------------|---------------------|
| Mr. Barber       | Mr. Giffard  | Mr. Rice            |
| Mr. Betts        | Mr. G. Goold | Mr. Ross            |
| Mr. Blake        | Mr. Hammond  | Mr. Sherman         |
| Mr. Bloss        | Mr. Hannum   | Mr. Spring          |
| Mr. Bowen        | Mr. Harris   | Mr. J. Stevenson    |
| Mr. S. A. Brown  | Mr. Hine     | Mr. R. L. Stevenson |
| Mr. T. Buel      | Mr. Horton   | Mr. Sweeney         |
| Mr. Bush         | Mr. Hunt     | Mr. Thompson        |
| Mr. Casner       | Mr. Jarvis   | Mr. Tibbitts        |
| Mr. Coe          | Mr. Johnson  | Mr. Van Schoonhoven |
| Mr. Collins      | Mr. D. Lee   | Mr. Van Valkenburgh |
| Mr. C. F. Crosby | Mr. Long     | Mr. Walrath         |

|               |               |                 |
|---------------|---------------|-----------------|
| Mr. E. Crosby | Mr. M'Vean    | Mr. Wells       |
| Mr. Culver    | Mr. Mann      | Mr. Wheeler     |
| Mr. De Puy    | Mr. Mather    | Mr. White       |
| Mr. Dewey     | Mr. Mersereau | Mr. Worden      |
| Mr. Edwards   | Mr. Morrison  | Mr. Wyckoff     |
| Mr. Fenn      | Mr. Moulton   | Mr. Winant      |
| Mr. Field     | Mr. Oakley    | Mr. A. W. Young |
| Mr. Frisbee   | Mr. Pardee    | Mr. J. Young    |
| Mr. Garretson | Mr. Raymond   |                 |

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Those who voted in the negative are

|                 |                  |                 |
|-----------------|------------------|-----------------|
| Mr. Bagg        | Mr. Fellows      | Mr. Niven       |
| Mr. Bailey      | Mr. D. Gould     | Mr. Pierce      |
| Mr. Bevins      | Mr. Hall         | Mr. Porter      |
| Mr. Billings    | Mr. Harden       | Mr. Preston     |
| Mr. Boughton    | Mr. Harvey       | Mr. Rodgers     |
| Mr. J. Brooks   | Mr. Hazelton     | Mr. Russell     |
| Mr. M. Brooks   | Mr. Howard       | Mr. Salisbury   |
| Mr. Brower      | Mr. Jones        | Mr. Searing     |
| Mr. L. H. Brown | Mr. Kinne        | Mr. Sears       |
| Mr. Burdick     | Mr. Knapp        | Mr. Skelton     |
| Mr. Cameron     | Mr. T. R. Lee    | Mr. A. C. Smith |
| Mr. Carpenter   | Mr. M'Carthy     | Mr. W. Smith    |
| Mr. Chase       | Mr. M'Donald     | Mr. Speaker     |
| Mr. Comstock    | Mr. M'Key        | Mr. Strobridge  |
| Mr. Constant    | Mr. C. B. Miller | Mr. Thayer      |
| Mr. Crain       | Mr. S. Miller    | Mr. Titus       |
| Mr. Danforth    | Mr. Morris       | Mr. Tuthill     |
| Mr. Dickson     | Mr. Newkirk      | Mr. Whitney     |

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Mr. Constant moved that the said resolutions be committed to a committee of the whole house.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Constant, and it was determined in the affirmative.

On motion of Mr. T. R. Lee,

*Resolved*, That the engrossed bill from the Senate, entitled "An act to prevent persons appearing disguised and armed," be made the special order for Wednesday next at twelve o'clock.

Mr. Coe moved that the present and intervening orders of business, up to the "Unfinished business of the preceding day," be passed over.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Coe, and it was determined in the affirmative.

The House then again resolved itself into a committee of the whole, on the bill entitled "An act to amend an act to reduce the number of canal commissioners, and to provide for their election by the people, passed May 6th, 1844;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Van Schoonhoven, from the said committee, reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house.



Mr. Speaker put the question whether the House would agree with the committee of the whole in their said report, and it was determined in the affirmative.

*Ordered,* That the said bill be engrossed for a third reading.

On motion of Mr. Niven,

The House then adjourned to eleven o'clock to-morrow morning.

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## TUESDAY, JANUARY 21, 1845.

The House met pursuant to adjournment.

The minutes of yesterday were read and approved.

The petition of sundry inhabitants of the county of Orange, praying that the rate of interest may be reduced to six per cent, was read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the county of Cattaraugus, praying for the passage of a law to restore Jonathan Whitekor to the rights of citizenship, was read, and referred to the committee on the judiciary.

The petition of the board of supervisors of the county of Schenectady, praying for an amendment of the law relative to the trial of criminals in said county, was read, and referred to the committee on the judiciary.

The petition of the board of supervisors of the county of Saratoga, praying for the passage of a law making it obligatory on the several jurors of the courts in said county to audit and pay all charges that may accrue by reason of any prosecutions, except for grand larceny, was read, and referred to the committee on the judiciary.

The petition of Warren Granger, Timothy C. Dwight and others of the county of Erie, praying for the passage of a law to drain certain lands in the town of Blackrock in said county, was read, and referred to the Canal Commissioners.

The petition of Gere & Weaver of the county of Onondaga, praying for relief, was read, and referred to the committee on claims.

The petition of sundry inhabitants of the town of Bainbridge in the county of Chenango, praying for the incorporation of a company, to be called the Cannonsville and Oxford Turnpike Company, to construct a road from Cannonsville in the county of Delaware, to Oxford in the county of Chenango, was read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the county of Jefferson, praying for an alteration of the militia laws, was read, and referred to the committee on the militia and public defence.

The petition of sundry inhabitants of the county of Cattaraugus, praying for the consent of the Legislature that the New-York and Erie Railroad Company may extend the line of their railroad into the State of Pennsylvania, in the counties of Susquehanna and Pike, was read, and referred to the committee on railroads.

The petition of ninety-seven inhabitants of the town of Pine Plains in the county of Dutchess, praying for the passage of a law relative to the distinction between town and county poor, was read, and referred to the committee on the internal affairs of towns and counties.

The petition of Jane Gallon, an alien, praying for relief and permission to hold real estate, was read, and referred to the committee on the petitions of aliens.

The petition of E. Whitney of the city of New-York, praying for the passage of an act giving him the proceeds of the sales of certain escheated lands, was read, and referred to the committee on the petitions of aliens.

The petition of the Trust Fire Insurance Company in the city of New-York, praying for an allowance of further time to sell certain real estate, was read, and referred to the committee on banks and insurance companies.

The petition of sundry inhabitants of the city of New-York, praying for the incorporation of the Mutual Benefit Life Insurance Company, was read, and referred to the committee on banks and insurance companies.

The petition of the North American Fire Insurance Company of the city of New-York, praying for an amendment of their charter, was read, and referred to the committee on banks and insurance companies.

Four several petitions of sundry inhabitants of the counties of Oneida and New-York, praying for the incorporation of the American and Foreign Bible Society, were read, and referred to the committee on charitable and religious societies.

The petition of sundry inhabitants of the county of Cattaraugus, praying for the passage of a law for the suppression of licentiousness, was read, and referred to the select committee on that subject.

Three several petitions of sundry inhabitants of the counties of Saratoga and Orange, praying for a change in the license law, were read, and referred to the select committee on that subject.

Three several petitions of sundry inhabitants of the manor of Rensselaerwyck in the county of Albany, praying for relief, were read, and referred to a select committee.

Mr. Carpenter, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to amend an act to reduce the number of canal commissioners, and to provide for their election by the people, passed May 6th, 1844," and found the same correctly engrossed.

*Ordered*, That the said bill do have its third reading.

Mr. Niven, from the committee on privileges and elections, to which was referred the petition of Abraham Aker of the county of Cortland, praying that he may be permitted to take his seat as a member of this House, in place of George J. J. Barber, reported in writing, and concluded by offering the following resolution, to wit :

*Resolved*, That the prayer of Abraham Aker, for a seat in this house as a member from Cortland county, in place of George J. J. Barber, ought not to be granted ; but inasmuch as it is evident to the committee that the claim originated and has been pressed from an honest persuasion

on the part of Mr. Aker, therefore that he be allowed the travelling and *per diem* pay of members up to this day.

[See Document No. 21.]

Mr. Speaker stated the question to be on agreeing to the said report and resolution.

Mr. Betts called for a division of the question on the said resolution.

Mr. Speaker put the question whether the House would agree to the first part of the said resolution and the report, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to the second part of the said resolution, and it was determined in the affirmative.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the petition of sundry citizens of the town of Newtown in the county of Queens, praying for the incorporation of a fire engine and hook and ladder company in said town, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Chase accordingly brought in the said bill, entitled "An act to incorporate the Wandowenock Fire, Hook and Ladder Company;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the petition of sundry inhabitants of the village of Glenheim, praying for the incorporation of a fire company, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Chase accordingly brought in the said bill, entitled "An act to incorporate the Glenheim Fire Company;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. L. H. Brown, from the committee on colleges, academies and common schools, to which was referred the petition of Hiram M. Wright and Joseph Rector, praying for the passage of an act relative to school district number fourteen in the towns of Clay and Cicero in the county of Onondaga, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. L. H. Brown accordingly brought in the said bill, entitled "An act to authorize and require the trustees of joint school district number fourteen of Clay and Cicero to levy and collect a tax for the relief of Hiram M. Wright and Joseph Rector;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Tefft, from the committee on claims, to which was referred the petition of Nathan S. Hollister of the city of Troy, praying for relief and compensation for damages sustained by reason of the enlargement of the Erie Canal, reported unfavorably to the prayer of the petitioner, and concluded by offering the following resolution, to wit :



*Resolved*, That the prayer of the petitioner ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Tefft, from the committee on claims, to which was referred the petition of Joseph Perrine, praying for relief and compensation for damages sustained (while navigating the Erie canal) in the injury done the canal boat "E. P. Wentworth" and cargo, reported favorably to the prayer of the petitioner, and asked leave to bring in a bill.

Leave being granted, Mr. Tefft accordingly brought in the said bill, entitled "An act for the relief of Joseph Perrine;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

The annual report of the Merchants' Exchange Bank of the city of New-York, relative to unclaimed dividends and deposits, was received and read.

*Ordered*, That the said report be laid on the table.

The engrossed bill entitled "An act to amend the act to reduce the number of canal commissioners, and to provide for their election by the people, passed May 6th, 1844," was announced by the Chair as in order for a third reading.

By unanimous consent,

Mr. Comstock offered the following amendment to the second section of the said bill, to wit :

Strike out all after the word "designated" in the said section, and insert as follows : "Each of the commissioners belonging to the class whose term of service shall last expire, shall be the third acting commissioner for one year; and such commissioners shall, on the first Monday of February next, and on the same day in every second year thereafter, in the presence of the secretary of state or the comptroller, determine by lot the order in which they shall respectively be such third acting commissioner."

Mr. Speaker put the question whether the House would agree to the said amendment, and it was determined in the affirmative.

On motion of Mr. Coe,

*Ordered*, That the said bill be re-engrossed for a third reading.

On motion of Mr. T. R. Lee,

*Resolved*, That the Clerk be instructed to procure two dozen plain substantial chairs for the use of committees of the house, and that the expense thereof be defrayed out of the contingent fund of the house.

Mr. Moulton offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That when this House do adjourn, it adjourn to meet at 10 o'clock to-morrow morning; and that 10 o'clock A. M. be its regular hour of meeting hereafter.

*Ordered*, That the said resolution be laid on the table.

On motion of Mr. Mather,

*Resolved*, That the petition of William M'Andrew and others, with all the documents and papers relating thereto, be taken from the files of this house, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Skelton asked for and obtained leave to bring in a bill, entitled "An act amendatory of the acts in relation to the election and terms of office of town assessors and of commissioners of highways;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the internal affairs of towns and counties.

On motion of Mr. Horton,

The House proceeded to the consideration of the resolution offered by him yesterday; which said resolution is in the words following:

*Resolved*, That the Superintendent of Common Schools furnish one copy of the common school reports for the year 1844 to each of the school district libraries in this State, as recommended in his former report, and that a sufficient number for this purpose be printed.

Pending the consideration of the said resolution, the hour of twelve o'clock arrived; when, in pursuance of a special order of yesterday,

The House resolved itself into a committee of the whole, on the reports and resolutions of the majority and minority of the committee on the judiciary, on the claim of John H. Dayton to a seat in this house; and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Bailey, from the said committee, reported progress, and asked for and obtained leave to sit again.

Mr. Carpenter, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to amend an act to reduce the number of canal commissioners, and to provide for their election by the people, passed May 6th, 1844," and found the same correctly re-engrossed.

On motion of Mr. J. Young, and by unanimous consent, the said bill was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.

} AYES 110 }  
} NAYS 12 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |              |                 |
|-----------------|--------------|-----------------|
| Mr. Barber      | Mr. G. Goold | Mr. Pierce      |
| Mr. Betts       | Mr. Gregory  | Mr. Porter      |
| Mr. Bevens      | Mr. Hall     | Mr. Rice        |
| Mr. Billings    | Mr. Hannum   | Mr. Rogers      |
| Mr. Blake       | Mr. Harden   | Mr. Ross        |
| Mr. Bloss       | Mr. Harris   | Mr. Russell     |
| Mr. Boughton    | Mr. Hazelton | Mr. Sager       |
| Mr. Bowen       | Mr. Heermans | Mr. Salisbury   |
| Mr. J. Brooks   | Mr. Hervey   | Mr. Sears       |
| Mr. M. Brooks   | Mr. Hine     | Mr. Sherman     |
| Mr. L. H. Brown | Mr. Horton   | Mr. A. C. Smith |
| Mr. S. A. Brown | Mr. Howard   | Mr. W. Smith    |

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. T. Buel      | Mr. Hunt         | Mr. Speaker         |
| Mr. Bunker       | Mr. Huntington   | Mr. Spring          |
| Mr. Burdick      | Mr. Jarvis       | Mr. J. Stevenson    |
| Mr. Bush         | Mr. Johnson      | Mr. R. L. Stevenson |
| Mr. Cameron      | Mr. Jones        | Mr. Strobbridge     |
| Mr. Carpenter    | Mr. Knapp        | Mr. Sweeney         |
| Mr. Casner       | Mr. D. Lee       | Mr. Tefft           |
| Mr. Coe          | Mr. Litchfield   | Mr. Thayer          |
| Mr. Collins      | Mr. Long         | Mr. Thompson        |
| Mr. Comstock     | Mr. M'Carthy     | Mr. Tibbits         |
| Mr. C. F. Crosby | Mr. M'Donald     | Mr. Tuthill         |
| Mr. E. Crosby    | Mr. M'Key        | Mr. Van Schoonhoven |
| Mr. Culver       | Mr. M'Vean       | Mr. Van Valkenburgh |
| Mr. Danforth     | Mr. Mann         | Mr. Walrath         |
| Mr. De Puy       | Mr. Mather       | Mr. Wells           |
| Mr. Dewey        | Mr. Mersereau    | Mr. Wheeler         |
| Mr. Dickson      | Mr. C. B. Miller | Mr. White           |
| Mr. Edwards      | Mr. S. Miller    | Mr. Whitney         |
| Mr. Fellows      | Mr. Morris       | Mr. Wilcox          |
| Mr. Fenn         | Mr. Morrison     | Mr. Worden          |
| Mr. Field        | Mr. Moulton      | Mr. Wyckoff         |
| Mr. Frisbee      | Mr. Newkirk      | Mr. Winant          |
| Mr. Garretson    | Mr. Niven        | Mr. A. W. Young     |
| Mr. Giffard      | Mr. Oakley       | Mr. J. Young        |
| Mr. D. Gould     | Mr. Pardee       |                     |

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Those who voted in the negative are

|            |               |             |
|------------|---------------|-------------|
| Mr. Bagg   | Mr. Constant  | Mr. Preston |
| Mr. Bailey | Mr. Crain     | Mr. Searing |
| Mr. Brower | Mr. Kinne     | Mr. Skelton |
| Mr. Chase  | Mr. T. R. Lee | Mr. Titus   |

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*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The question then recurred on the resolution offered by Mr. Horton.

On motion of Mr. Comstock,

*Ordered*, That the said resolution be referred to the committee on the public printing.

On motion of Mr. J. Young,

The House then adjourned to eleven o'clock to-morrow morning.



## WEDNESDAY, JANUARY 22, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Miles.

The minutes of yesterday were read and approved.

The petition of John Roof and others of the county of Montgomery, praying for the passage of a law to refund certain moneys received for land sold by the State, was read, and referred to the committee on grievances.

The petition of sundry inhabitants of the county of Tioga, praying for the passage of a law to grant the New-York and Erie Railroad Company the privilege to change the location of their road at certain points, was read, and referred to the committee on railroads.

The petition of John Merriam and others, praying for relief under a canal contract, was read, and referred to the committee on claims.

The petition of the New-York Dispensary, Northern Dispensary and Eastern Dispensary of the city of New-York, praying for an annual appropriation, was read, and referred to the committee on medical societies and colleges.

The petition of sundry inhabitants of the county of Otsego, praying for the passage of a law establishing a teachers' institute in every county in the State, and remonstrating against any other change in our present common school organization, was read, and referred to the committee on colleges, academies and common schools.

Two several petitions of sundry inhabitants of the counties of Otsego and Delaware, praying for the erection of a new county from parts of the counties of Otsego, Chenango and Delaware, with the seat of justice at Unadilla, were read, and referred to the committee on the erection and division of towns and counties.

The petition of sundry inhabitants of the county of Chenango, praying for the erection of a new county from parts of the counties of Otsego, Chenango, Delaware and Broome, with the seat of justice at Bainbridge, and to be called the county of Wright, was read, and referred to the committee on the erection and division of towns and counties.

The petition of Stephen Putnam and others of the county of Steuben, praying for the annexation of a part of the town of Jasper to the town of Greenwood in said county, was read, and referred to the committee on the erection and division of towns and counties.

The petition of Lucy Buckner of the county of Montgomery, an alien, praying for relief, was read, and referred to the committee on the petitions of aliens.

The memorial of the trustees of the Leake and Watts Orphan House in the city of New-Yore, in the matter of the escheated lands of the late John G. Leake, was read, and referred to the committee on the petitions of aliens.

Three several petitions of sundry inhabitants of the counties of New-York and Rensselaer, praying for the incorporation of the American and Foreign Bible Society, were read, and referred to the committee on charitable and religious societies.

The petition of Aaron Barnes and John E. Hinman of the county of Oneida, praying that the Erie Canal aqueduct passing over their mill-pond may be rebuilt, was read, and referred to the committee on canals.

Three several petitions of sundry inhabitants of the counties of Montgomery and Clinton, praying for the passage of a law to extend the time for the collection of taxes to the first of March next, were read, and referred to the committee on the judiciary.

The resolutions of the board of supervisors of the county of Cortland, praying that the office of district attorney of said county may be made a salary office, were read, and referred to the committee on the judiciary.

Two several petitions of sundry inhabitants of the counties of Chenango and Delaware, praying for the passage of a penal law to suppress licentiousness, were read, and referred to the select committee on that subject.

The petition of one hundred and two inhabitants of the county of Onondaga, praying for a change in the license law, was read, and referred to the select committee on that subject.

Mr. Dickson, from the committee on the petitions of aliens, to which was referred the petition of the widow and heirs at law of John Rowland deceased, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Dickson accordingly brought in the said bill, entitled "An act to confirm the title to certain lands in the widow and heirs at law of John Rowland, late of the town of Brighton in the county of Monroe, deceased;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. L. H. Brown, from the committee on colleges, academies and common schools, to which was referred the report of the Superintendent of Common Schools, reported, that the committee had had under consideration the said report, and come to a conclusion favorable to a recommendation therein contained, in relation to a concurrent resolution of the seventh of May last, in regard to the distribution of the Common School Digest, and asked leave to bring in a bill.

Leave being granted, Mr. L. H. Brown accordingly brought in the said bill, entitled "An act in relation to common schools;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Van Valkenburgh, from the committee on railroads, to which was referred the petitions to renew and extend the charter for a railroad from Syracuse to Oswego, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Van Valkenburgh accordingly brought in the said bill, entitled "An act to amend and renew an act to provide for the construction of a railroad from Oswego to Syracuse, passed April 29th, 1839;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Dickson, from the committee on the petitions of aliens, to which

was referred the petition of Catharine Adams, an alien, praying for relief, reported favorably to the prayer of the petitioner, and asked leave to bring in a bill.

Leave being granted, Mr. Dickson accordingly brought in the said bill, entitled "An act to confirm the title to certain lands in Catharine Adams of the city of Utica in the county of Oneida;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Tafft, from the committee on claims, to which was referred the petition and papers of Solomon Brown, praying for compensation for services rendered on the enlargement of the Erie Canal, reported, that the committee had examined the said petition and papers, and concluded to offer the following resolution, to wit :

*Resolved*, That the committee on claims be discharged from the further consideration of the petition and papers of Solomon Brown, and that the same be referred to the Canal Board.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Pardee, from the committee on roads and bridges, to which was referred the bill entitled "An act to repeal the charter of the Owego Turnpike Road Company," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Pardee, from the committee on roads and bridges, to which was referred the petition of sundry inhabitants of the county of Onondaga, praying for the erection of a lattice bridge across the Seneca river at Coldspring, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Pardee accordingly brought in the said bill, entitled "An act to provide for the building a bridge over the Seneca river, between the towns of Salina and Lysander, at Coldspring in the county of Onondaga;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which referred the petition of the trustees of the village of Geneva, praying for an amendment of the charter of the said village, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Chase accordingly brought in the said bill, entitled "An act to amend the act passed May 26th, 1837, and entitled 'An act to amend the act incorporating the village of Geneva;'" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act amendatory of the acts in relation to the election and terms of office of town assessors and commissioners of highways," reported, that the committee had



examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr Walrath, from the committee on the public printing, to which was referred a resolution of this House, in the words following :

*Resolved*, That the Superintendent of Common Schools furnish one copy of the common school reports for the year 1844 to each of the school district libraries in this State, as recommended in his former report, and that a sufficient number for this purpose be printed :

Reported in writing, and concluded by offering the following resolution, to wit :

*Resolved*, That the committee be discharged from the further consideration of the said resolution.

Mr. Speaker put the question whether the House would agree to discharge the said committee from the further consideration of the said resolution, and it was determined in the affirmative.

Mr. Speaker then stated the question to be on agreeing to the said resolution to print the common school reports for 1844.

Mr. Russell moved to amend the said resolution, by adding thereto the words "and bound in half binding."

Pending the consideration of the said resolution and amendment, the hour of twelve o'clock arrived ; when, in pursuance of a special order,

The House resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled "An act to prevent persons appearing disguised and armed ;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Van Valkenburgh, from the said committee, reported progress, and asked for and obtained leave to sit again.

The question then recurred on the amendment offered by Mr. Russell to the resolution relative to printing the common school reports for 1844.

Mr. Speaker put the question whether the House would agree to the said amendment, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to the said resolution, as amended, and it was determined in the affirmative.

The report of the Secretary of State, in relation to repairs made to the standards of weights and measures, was received and read.

[See Document No. 22.]

*Ordered*, That the said report be laid on the table.

The House then again resolved itself into a committee of the whole, on the reports and resolutions of the majority and minority of the committee on the judiciary, on the right of John H. Dayton to a seat in this house as a member of assembly for the county of Suffolk ;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Bailey, from the said committee, reported progress, and asked for and obtained leave to sit again.

The House then resolved itself into a committee of the whole, on the

engrossed bill from the Senate, entitled "An act to extend the time for the collection of taxes for the year 1844;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Harris, from the said committee, reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house.

Mr. Speaker put the question whether the House would agree with the committee of the whole in their said report, and it was determined in the affirmative.

*Ordered*, That the said amendments be engrossed, and the bill have its third reading.

The annual report of the Catskill Bank, relative to unclaimed dividends and deposits, was received, read, and ordered to be printed and laid on the table.

On motion of Mr. T. R. Lee,

The House then adjourned to eleven o'clock to-morrow morning.

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## THURSDAY, JANUARY 23, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Conroy.

The minutes of yesterday were read and approved.

Mr. Whitney moved that the order of business, consisting of "The presentation of petitions," be passed over.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Whitney, and it was determined in the affirmative.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the petition of the board of supervisors of the county of Madison, praying for the passage of a law restoring the distinction between county and town poor in said county, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Chase accordingly brought in the said bill, entitled "An act authorizing the board of supervisors of the county of Madison to restore the distinction between county and town poor;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Van Valkenburgh, from the committee on railroads, to which was referred the petition of the directors and stockholders of the Troy and Greenbush Railroad Association, and the citizens of the city of Troy and the county of Rensselaer, praying for the incorporation of the said association, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Van Valkenburgh accordingly brought in the said bill, entitled "An act to incorporate the Troy and Greenbush

Railroad Association ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the petition of Jarvis A. Hall and Maria his wife, an infant, praying for the passage of an act authorizing them to sell and convey real estate, reported unfavorably to the prayer of the petitioners, and concluded by offering the following resolution, to wit :

*Resolved*, That the committee on the judiciary be discharged from the further consideration of the petition of Jarvis A. Hall and Maria his wife.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the petition of sundry citizens of the town of Carlton in the county of Cattaraugus, praying that Jonathan Whitaker be restored to the rights of citizenship, reported unfavorably to the prayer of the petitioners, and concluded by offering the following resolution, to wit :

*Resolved*, That the committee on the judiciary be discharged from the further consideration of the petition to restore Jonathan Whitaker to the rights of citizenship.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the petition of the members of the bar of the county of Jefferson, praying for the passage of an act giving additional powers to the supreme court commissioner at Watertown in said county, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. T. R. Lee accordingly brought in the said bill, entitled "An act in relation to the duties of the supreme court commissioner residing at Watertown in the county of Jefferson ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Dickson, from the committee on the petitions of aliens, to which was referred the petition of Jane Gallon, an alien, praying for relief, reported favorably to the prayer of the petitioner, and asked leave to bring in a bill.

Leave being granted, Mr. Dickson accordingly brought in the said bill, entitled "An act for the relief of Jane Gallon, an alien, of the city of New-York ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the petition of Richard Bull and others, praying for a change of name, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. T. R. Lee accordingly brought in the said bill, entitled "An act to change the name of Richard Bull and others ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.



Mr. Dickson, from the committee on the petitions of aliens, to which was referred the petition of Philander Smith, praying for a confirmation of his title to certain lands, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Dickson accordingly brought in the said bill, entitled "An act to confirm in Philander Smith the title to certain lands herein mentioned;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the petition of the supervisors of the county of Livingston, praying for the passage of an act relative to the temporary relief of the poor of said county, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. T. R. Lee accordingly brought in the said bill, entitled "An act to provide for the temporary relief of the poor of the county of Livingston;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Hine, from the committee on the erection and division of towns and counties, to which was referred the petitions of sundry inhabitants of the county of Orange, praying for the erection of a new town in said county, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Hine accordingly brought in the said bill, entitled "An act to erect the town of Chester in the county of Orange;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Carpenter, from the committee on grievances, to which was referred the petition of Abel Chandler, praying for relief, reported in writing, and asked leave to bring in a bill.

[See Document No. 37.]

Leave being granted, Mr. Carpenter accordingly brought in the said bill, entitled "An act for the relief of Abel Chandler;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Titus, from the committee on trade and manufactures, to which was referred the petition of the New-Hartford Manufacturing Society, relative to an act passed in 1810 and renewed in 1827, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Titus accordingly brought in the said bill, entitled "An act to renew, amend and continue in force the act entitled 'An act to incorporate the New-Hartford Manufacturing Society in the county of Oneida, and change the name thereof;'" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Huntington, from the select committee on the subject of licen-

tiousness, to which was referred sundry petitions relative thereto, reported in writing, and asked leave to bring in a bill.

[See Document No. 23.]

Leave being granted, Mr. Huntington accordingly brought in the said bill, entitled "An act to punish seduction and adultery as crimes, and for other purposes ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

On motion of Mr. Coe,

*Ordered*, That ten times the usual number of copies of said report be printed for the use of the Legislature.

The engrossed bill from the Senate, entitled "An act to extend the time for the collection of taxes for the year 1844," with the engrossed amendments, was read the third time.

*Resolved*, That the bill and amendments do pass.

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same with the amendments thereto therewith delivered.

Mr. J. Young gave notice that, on some future day, he would introduce a bill to amend an act entitled "An act for the relief of Ira Pearsons and Ira Pearsons junior," passed March 23d, 1844.

On motion of Mr. Coe,

*Ordered*, That Mr. Hammond have leave of absence for six days.

On motion of Mr. Dewey,

*Ordered*, That Mr. Raymond have leave of absence for eight days.

Mr. T. R. Lee moved that the committee on the judiciary be discharged from the further consideration of the petitions and papers relative to the escheated lands of John G. Leake, and that the same be referred to the committee on the petitions of aliens.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. T. R. Lee, and it was determined in the affirmative.

Mr. J. Young offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the committee on the judiciary be instructed to inquire and report what officers, now appointed by the Governor and Senate (if any), should be elective by the people.

*Ordered*, That the said resolution be laid on the table.

Mr. J. Young offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of providing by law for the filing of all papers in suits prosecuted in the Supreme Court, in county clerks' offices, and that such committee report by bill or otherwise.

*Ordered*, That the said resolution be laid on the table.

On motion of Mr. Crain,

*Resolved*, That the petition and papers on the files of this house, in the matter of the Herkimer Hydraulic Company, be taken therefrom, and referred to the committee on trade and manufactures.

On motion of Mr. Crain,

*Resolved*, That the petition and papers on the files of this house, in the matter of the claim of Yates and Vaudebogart, be taken therefrom, and referred to the committee on grievances.

Mr. Tefft gave notice that he would, at an early day, ask leave to introduce a bill in relation to costs before courts of special sessions.

Mr. Bunker gave notice that he would, on another day, introduce a bill, entitled "An act to incorporate the Hudson Orphan and Relief Association in the city of Hudson."

Mr. Betts offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the committee on colleges, academies and common schools, be instructed to inquire into the expediency of providing for the distribution of the Geological Survey of the State, to the several school districts.

*Ordered*, That the said resolution be laid on the table.

On motion of Mr. Van Schoonhoven,

*Resolved*, That the petition of Nathan S. Hollister, relating to a claim presented by him against the State for damages incurred by reason of the enlargement of the Erie Canal, and all papers relating to that subject, now on the files of this house, be recommitted to the committee on claims, with instructions to re-examine and report thereon.

On motion of Mr. L. H. Brown, and by unanimous consent,

*Resolved*, That the bill in relation to common schools, introduced by the committee on colleges, academies and common schools, be taken from the general order, and referred to a select committee to report complete.

In pursuance of previous notice, Mr. J. Brooks asked for and obtained leave to bring in a bill, entitled "An act to provide for making fences along highways, and for allowing domestic animals to pasture in the same ;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the internal affairs of towns and counties.

Mr. Garretson moved that the present order of business be passed over.

Mr. Speaker put the question whether the House would agree to the said motion, and it was determined in the affirmative.

The House then again resolved itself into a committee of the whole, on the reports and resolutions of the majority and minority of the committee on the judiciary, relative to the right of John H. Dayton to a seat in this house as a member of assembly for the county of Suffolk ; and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Bailey, from the said committee, reported, that the committee had had the said reports and resolutions under consideration, and had adopted the resolution reported by the majority of the committee on the judiciary ; which said resolution is in the words following, to wit :

*Resolved*, That the seat of John H. Dayton is not vacated by his acceptance of the office of Collector of Customs at Sag-Harbor :

And that the committee had directed their chairman to report the same to the house.



Mr. Speaker put the question whether the House would agree with the committee of the whole in their said report, and it was determined in the affirmative.

{ AYES 67 }  
{ NAYS 54 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. D. Gould     | Mr. Porter          |
| Mr. Bagg        | Mr. Gregory      | Mr. Preston         |
| Mr. Bailey      | Mr. Hall         | Mr. Rogers          |
| Mr. Barber      | Mr. Harden       | Mr. Russell         |
| Mr. Bevins      | Mr. Hazelton     | Mr. Sager           |
| Mr. Billings    | Mr. Hervey       | Mr. Salisbury       |
| Mr. Boughton    | Mr. Hine         | Mr. Searing         |
| Mr. Bowen       | Mr. Horton       | Mr. Sears           |
| Mr. M. Brooks   | Mr. Howard       | Mr. Skelton         |
| Mr. Brower      | Mr. Jones        | Mr. A. C. Smith     |
| Mr. L. H. Brown | Mr. Kinne        | Mr. W. Smith        |
| Mr. Bunker      | Mr. Knapp        | Mr. Speaker         |
| Mr. Burdick     | Mr. T. R. Lee    | Mr. Strobbridge     |
| Mr. Cameron     | Mr. M'Carthy     | Mr. Tefft           |
| Mr. Carpenter   | Mr. M'Donald     | Mr. Thayer          |
| Mr. Chase       | Mr. M'Key        | Mr. Titus           |
| Mr. Collins     | Mr. C. B. Miller | Mr. Tuthill         |
| Mr. Constock    | Mr. S. Miller    | Mr. Van Schoonhoven |
| Mr. Constant    | Mr. Morris       | Mr. Van Valkenburgh |
| Mr. Crain       | Mr. Newkirk      | Mr. Walrath         |
| Mr. Danforth    | Mr. Pardee       | Mr. Whitney         |
| Mr. Dickson     | Mr. Pierce       | Mr. J. Young        |
| Mr. Fellows     |                  |                     |

67

Those who voted in the negative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Betts        | Mr. G. Goold   | Mr. Oakley          |
| Mr. Blake        | Mr. Hannum     | Mr. Rice            |
| Mr. Bloss        | Mr. Harris     | Mr. Ross            |
| Mr. J. Brooks    | Mr. Heermans   | Mr. Sherman         |
| Mr. S. A. Brown  | Mr. Hunt       | Mr. Spring          |
| Mr. T. Buel      | Mr. Huntington | Mr. J. Stevenson    |
| Mr. Casner       | Mr. Jarvis     | Mr. R. L. Stevenson |
| Mr. Coe          | Mr. Johnson    | Mr. Sweeney         |
| Mr. C. F. Crosby | Mr. D. Lee     | Mr. Thompson        |
| Mr. E. Crosby    | Mr. Litchfield | Mr. Tibbits         |
| Mr. Culver       | Mr. Long       | Mr. Wells           |
| Mr. De Puy       | Mr. M'Vean     | Mr. Wheeler         |
| Mr. Dewey        | Mr. Mann       | Mr. White           |

|               |               |                    |
|---------------|---------------|--------------------|
| Mr. Fenn      | Mr. Mather    | Mr. Wilcox         |
| Mr. Field     | Mr. Mersereau | Mr. Worden         |
| Mr. Frisbee   | Mr. Morrison  | Mr. Wyckoff        |
| Mr. Garretson | Mr. Moulton   | Mr. Winant         |
| Mr. Giffard   | Mr. Niven     | Mr. A. W. Young 54 |

The bill entitled "An act to extend the time for the collection of taxes for the year 1844," was received from the Senate, with a message, informing that they had concurred in the amendments of the Assembly to the said bill, and amended the same accordingly.

The said amended bill having been examined,

*Ordered,* That the Clerk return the same to the Senate.

The bill entitled "An act in relation to the court of common pleas and general sessions of the county of Saratoga," was received from the Senate, with a message, requesting the concurrence of the Assembly to the same.

The said bill was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

On motion of Mr. Bevens,

The House then adjourned to eleven o'clock to-morrow morning.

## FRIDAY, JANUARY 24, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Miles.

The minutes of yesterday were read and approved.

Mr. John H. Dayton, a member of the Assembly, from the county of Suffolk, appeared in the Assembly chamber.

Mr. Speaker administered to Mr. Dayton the oath of office prescribed by the Constitution.

Thereupon,

*Ordered,* That Mr. Dayton do take his seat.

The petition of Abraham Underhill, praying for the passage of a law in relation to certain land in the town of Eastchester in the county of Westchester, was read, and referred to the committee on the judiciary.

The petition of Albert F. Wilson, collector in the town of Caneadea in the county of Allegany, praying for the passage of a law postponing his returns until the first of March, 1845, was read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the county of Albany, praying for an increase of the compensation of jurors and witnesses, was read, and referred to the committee on the judiciary.

The petition of Nathaniel Green of the county of Monroe, praying for a bill of divorce, was read, and referred to the committee on the judiciary.

Eleven several petitions of sundry inhabitants of the counties of Monroe, Albany, Greene, Westchester, Madison, Chautauque, Saratoga, Orange, Ulster and Wayne, praying for the incorporation of the American and Foreign Bible Society, were read, and referred to the committee on charitable and religious societies.

The petition of sundry inhabitants of the county of New-York, praying for the incorporation of a benevolent society, to be called the Shaareh Tikvah, or "Gates of Hope," was read, and referred to the committee on charitable and religious societies.

The petition of Philip Engelhardt and others of the city of New-York, praying for the incorporation of a benevolent society, to be called the Society of United Brethren, was read, and referred to the committee on charitable and religious societies.

Seven several petitions of sundry inhabitants of the manor of Rensselaerwyck, praying for relief, were read, and referred to a select committee.

Four several petitions of sundry inhabitants of the counties of Broome, Otsego and Chenango, praying for the erection of a new county, to be called the county of Wright, from parts of the counties of Otsego, Chenango, Delaware and Broome, with the seat of justice at Bainbridge, were read, and referred to the committee on the erection and division of towns and counties.

Two several remonstrances of sundry inhabitants of the county of Delaware, against any alteration of the boundaries of said county, was read, and referred to the committee on the erection and division of towns and counties.

The petition of sundry inhabitants of the vicinity of the Genesee Valley Canal, praying for a resumption of the work on that canal, was read, and referred to the committee on canals.

The petition of sundry inhabitants of the town of Westerlo in the county of Albany, praying for the closing of the locks of the State canals on the Sabbath, was read, and referred to the committee on canals.

The petition of Hiram Chapman and others of the county of Steuben, praying for the passage of an act granting them relief for damages sustained on the Erie Canal, was read, and referred to the committee on claims.

The petition of sundry inhabitants of the city of New-York, praying for the passage of a law for the registration of legal voters in this State, was read, and referred to the committee on privileges and elections.

The remonstrance and petition of sundry inhabitants of the city of New-York, praying for the passage of an act to close the State courts against applicants for naturalization, were read, and referred to the committee on privileges and elections.

The petition of sundry inhabitants of the city of New-York, praying for the passage of an act to prevent naturalized citizens from voting until after one year's residence in the State, and six months in the county of the naturalization, was read, and referred to the committee on privileges and elections.

The petition of Enos T. Throop and two hundred and eighty-six other inhabitants of the county of Cayuga, praying for the repeal of an



act passed April 23d, 1844, to prevent taking trout from Owasco lake in said county in the months of October, November and December, was read, and referred to the committee on the internal affairs of towns and counties.

The petition of Stephen Merchant, supervisor of the town of Ballston, and R. R. Kennedy, supervisor of the town of Clifton-Park, in the county of Saratoga, praying for the passage of a law to define the boundaries of said towns, was read, and referred to the committee on the internal affairs of towns and counties.

The petition of sundry inhabitants of the counties of Onondaga and Cortland, praying for the passage of an act for the construction of a turnpike road from the village of Syracuse, to the villages of Tully, Homer and Cortland, was read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the counties of Chenango and Delaware, praying for the incorporation of a company, with a capital of twenty thousand dollars, to make a turnpike road from Cannonsville in the county of Delaware, to Oxford in the county of Chenango, was read, and referred to the committee on roads and bridges.

The petition of John Townsend and others of the city of Albany, praying for the passage of a law authorizing the construction of a bridge across the Hudson river at said city, was read, and referred to the committee on roads and bridges.

The petition of John Hutchings, praying for the passage of an act authorizing the supervisors of the county of Kings to levy a tax on school district number one in the village of Williamsburgh, for the purpose of refunding a sum of money paid by him for the building of a school-house in said district, was read, and referred to the committee on colleges, academies and common schools.

The petition of sundry inhabitants of the village of Sacket's-Harbor in the county of Jefferson, praying for the renewal of the charter of the Oswego and Syracuse Railroad Company, was read, and referred to the committee of the whole when on the bill upon that subject.

The petition of the College of Physicians and Surgeons in the city of New-York, praying for legislative aid, was read, and referred to the committee on medical societies and colleges.

Two several petitions of sundry inhabitants of this State, praying for the passage of a law, granting a charter for a medical college, to be named the Homeopathic College of Physicians and Surgeons of Western New-York, were read, and referred to the committee on medical societies and colleges.

The petition of George Gardner and other citizens of the county of Chemung, praying for the passage of a law to extend the line of the New-York and Erie Railroad Company through the counties of Susquehannah and Pike in the State of Pennsylvania, was read, and referred to the committee on railroads.

The petition of John Watkins, praying for relief of damages in the construction and improvement of the Cayuga and Seneca Canal, was read, and referred to the Canal Appraisers.

The petition of sundry inhabitants of the city of Troy, praying for

the passage of an act authorizing a repair of the inlet or sidecut from the canal to the river opposite said city, so as to prevent an accumulation of obstructions, was read, and referred to the Canal Commissioners.

Two several petitions of sundry inhabitants of the county of Schoharie, praying for a change in the license law, were read, and referred to the select committee on that subject.

Mr. E. Crosby, from the committee on banks and insurance companies, to which was referred the petition of sundry citizens of the city of New-York, praying for the incorporation of the New-York State Insurance Company, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. E. Crosby accordingly brought in the said bill, entitled "An act to incorporate the New-York State Insurance Company in the city of New-York ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the petition of the board of supervisors of the county of Tioga, praying for the passage of a law directing certain records of mortgages to be transcribed, or new mortgages to be given, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Chase accordingly brought in the said bill, entitled "An act appointing a commissioner to transcribe certain mortgages in Tioga county ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Hervey, from the committee on charitable and religious societies, to which was referred the petition of the corporation of the Berean Baptist Church in the city of New-York, praying relief, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Hervey accordingly brought in the said bill, entitled "An act for the relief of the religious incorporation or society, known as the Corporation of the Berean Baptist Church in the city of New-York ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. S. A. Brown, from the committee on the petitions of aliens, to which was referred the petition of Eleanor F. Wors, praying for the passage of a law to confirm in her the title to certain lands, reported in writing, and asked leave to bring in a bill.

[See Document No. 35.]

Leave being granted, Mr. S. A. Brown accordingly brought in the said bill, entitled "An act for the relief of Eleanor F. Wors, widow of John F. Wors, an alien, deceased ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Tefft, from the committee on claims, to which was referred the

petition of Gere and Weaver, praying for relief for canal damages, reported in writing, and asked leave to bring in a bill.

[*See Document No. 32.*]

Leave being granted, Mr. Tefft accordingly brought in the said bill, entitled "An act to amend an act entitled 'An act for the relief of Robert Gere and Philo C. Weaver,' passed May 2d, 1844 ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Knapp, from the committee on the public lands, to which was referred the petition of Peter Bain and others, praying for the passage of a law authorizing the Comptroller to cancel certain bonds, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Knapp accordingly brought in the said bill, entitled "An act for the relief of certain purchasers of lands in the Oneida reservation in 1840 and 1841 ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. E. Crosby, from the committee on banks and insurance companies, to which was referred the petition of the North American Fire Insurance Company, praying for an amendment of their charter, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. E. Crosby accordingly brought in the said bill, entitled "An act to amend the act incorporating the North American Fire Insurance Company ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. L. H. Brown, from the select committee to which was referred the bill entitled "An act in relation to common schools," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Van Valkenburgh gave notice that he would, at some future day, introduce a bill to abolish the office of weigh-master general in the city of New-York.

Mr. Danforth gave notice that he would, at an early day, ask leave to bring in a bill to provide for furnishing each school district in this State with an agricultural paper for 1845.

On motion of Mr. Coe,

*Resolved*, That the resolution which passed this House, requiring the printing of five times the usual number, and six and a half for distribution, of the Annual Report on Common Schools, be so modified and amended as to reduce the number to be printed fifteen hundred.

Mr. Worden offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, (if the Senate concur,) That the following amendments be proposed to the Constitution of this State, and that the same be



referred to the Legislature next to be chosen, and published in the manner prescribed by the eighth article of the Constitution :

### AMENDMENT I.

The tenth section of the first article of the Constitution is hereby amended, by striking out the words "no member of the legislature," and inserting instead thereof the following words : "No person, after being elected at any general or special election to the office of senator or member of the assembly;" and by striking out the word "during" in the said section, and inserting instead thereof the following words : "until after the expiration of :". So that the said tenth section shall read as follows, to wit :

§ 10. No person, after being elected at any general or special election to the office of senator or member of the assembly, shall receive any civil appointment from the governor and senate, or from the legislature, until after the expiration of the term for which he shall have been elected.

### AMENDMENT II.

The eleventh section of the first article of the Constitution is hereby abrogated, and the following substituted instead thereof, to wit :

§ 11. No person, after being elected a member of congress, shall, after his election and before the expiration of the term for which he shall have been elected, hold or retain a seat in the legislature of this State ; and no person holding a judicial or military office under the government of the United States, shall be elected a member of the legislature of this State ; and if any person, after being elected at any general or special election to the office of senator or member of assembly, shall accept a civil or military office or appointment under the government of the United States, such acceptance shall prevent such person from taking or holding a seat in the legislature of this State during the term for which he shall have been elected, and his seat in the legislature shall be declared vacated by the acceptance of such appointment under the government of the United States.

### AMENDMENT III.

§ —. Neither the governor, lieutenant governor, nor any member of the senate or assembly of this State, shall be appointed to the office of senator from this State in the congress of the United States.

On motion of Mr. Worden,

*Ordered*, That the said resolution be printed, and laid on the table.

[See Document No. 24.]

On motion of Mr. S. A. Brown,

*Resolved*, That a respectful message be transmitted to the Senate, requesting them to send to the Assembly the petition and papers of sundry persons in relation to the alteration of the towns of Ellicott and Busti in the county of Chautauque, and that the same be delivered to the committee on the erection and division of towns and counties.

On motion of Mr. Rice,

*Resolved*, That the papers in the case of John Merriam and others, be taken from the files of this house, and referred to the committee on claims.

On motion of Mr. M'Carthy,

*Resolved*, That the Senate be respectfully requested to take from its files, and send to this House, the petition and papers in the case of Horace Bailey, claiming damages for injury done to a boat at the weighlock in Rochester.

Mr. Kinne gave notice that, on some future day, he would ask leave to introduce a bill to provide for the appointment of commissioners of deeds in the several towns of this State.

In pursuance of previous notice, Mr. Harris asked for and obtained leave to bring in a bill, entitled "An act further to amend the act entitled 'An act relative to the city of Albany,' passed April 16, 1842;" which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. Harris,

*Ordered*, That the said bill be referred to a select committee, consisting of the members attending this house from the county of Albany.

In pursuance of previous notice, Mr. Walrath asked for and obtained leave to bring in a bill, entitled "An act to amend an act authorising a loan of certain moneys belonging to the United States, deposited with the State of New-York for safe keeping, passed April 4th, 1837;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on colleges, academies and common schools.

In pursuance of previous notice, Mr. Moulton asked for and obtained leave to bring in a bill, entitled "An act to provide a seal for the court of oyer and terminer and general sessions of the peace in and for the city and county of New-York;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

Mr. Harris gave notice that, on some future day, he would ask leave to introduce a bill to extend the docks in the city of Albany south of Hamilton street.

In pursuance of previous notice, Mr. Tefft asked for and obtained leave to bring in a bill, entitled "An act in relation to costs upon trials before courts of special sessions;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Hine asked for and obtained leave to bring in a bill, entitled "An act concerning the district attorney of the county of Ulster;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Bunker asked for and obtained leave to bring in a bill, entitled "An act to incorporate the Hudson Orphan and Relief Association in the city of Hudson;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on charitable and religious societies.

On motion of Mr. Moulton,

The House proceeded to the consideration of the motion made by him on Monday the twentieth instant, to reconsider the vote on the question to print the resolutions offered on the preceding Saturday by Mr. Van Schoonhoven.

Mr. Speaker put the question whether the House would agree to the said motion to print the said resolutions, and it was determined in the affirmative.

[See Document No. 26.]

Mr. Wilcox gave notice that he would, at an early day, ask leave to introduce a bill, entitled "An act to prohibit the killing of woodcock and partridge in the county of Saratoga, previous to the tenth day of July in any year."

Mr. Tefft gave notice that he would, at an early day, ask leave to introduce a bill in relation to printing and publishing certain local laws hereafter passed.

Mr. Russell offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the Secretary of State be authorised to cause to be printed, and distributed to each of the treasurers of the several counties, and to each of the supervisors of the several towns and wards in this State, a copy of the act passed at this session of the Legislature, "to extend the time for the collection of taxes for the year 1844."

*Ordered*, That the said motion be laid on the table.

Mr. T. R. Lee moved that the present order of business, consisting of "Motions, resolutions and notices," be passed over.

Mr. Speaker then put the question whether the House would agree said motion, and it was determined in the affirmative.

The House then again resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled "An act to prevent persons appearing disguised and armed;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Van Valkenburgh, from the said committee, reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house.

Mr. Speaker put the question whether the House would agree with the committee of the whole in their said report, and it was determined in the affirmative.

*Ordered*, That the said amendments be engrossed, and the bill have its third reading.

Mr. Oakley, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act in relation to common schools," and found the same correctly engrossed.

*Ordered*, That the said bill do have its third reading.

The bill entitled "An act to confirm certain conveyances executed by Eleazer Williams, an indian," was received from the Senate, with a message, requesting the concurrence of the Assembly in the same.

The said bill was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

On motion of Mr. C. F. Crosby,

The House then adjourned to eleven o'clock to-morrow morning.



## SATURDAY, JANUARY 25, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Conroy.

The minutes of yesterday were read and approved.

Eleven several petitions of sundry inhabitants of the counties of Livingston, Wyoming, Otsego, Dutchess, Madison, New-York, Monroe, Genesee, Albany and Rensselaer, praying for the incorporation of the American and Foreign Bible Society, were read, and referred to the committee on charitable and religious societies.

The petition of the president, directors and company of the Hamilton and Skeneateles Turnpike Road Company, asking leave to abandon a part of their road, was read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the county of Onondaga, praying that the Hamilton and Skeneateles Turnpike Road Company may be permitted to abandon the western section of their road, was read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the counties of Onondaga and Cortland, praying for the construction of a turnpike road from the village of Syracuse to the villages of Tully, Homer and Cortland, was read, and referred to the committee on roads and bridges.

The petition of one hundred and nine inhabitants of the county of Delaware, praying for the passage of an act authorising the construction of a turnpike road, commencing at the Charlotte turnpike, and running through the village of Hobart to the western termination of the Schohariekill turnpike, was read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the town of Hydepark in the county of Dutchess, praying for the construction of a macadamized road from the village of Fishkill to the village of Peekskill, through the Highlands, was read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the town of Mayfield in the county of Fulton, praying for a change in the license law, was read, and referred to the select committee on that subject.

The memorial of sundry superintendents and trustees of common schools of the county of Westchester, praying for the passage of a law in relation to common schools, was read, and referred to the committee on colleges, academies and common schools.

The petition of the trustees of the Schuylerville Academy, praying for the passage of a law authorising a more equal distribution of the Literature fund, was read, and referred to the committee on colleges, academies and common schools.

Two several petitions of sundry inhabitants of the county of Cattaraugus, praying for the passage of a law to change the location of the New-York and Erie railroad at certain points, were read, and referred to the committee on railroads.

The petition of sundry inhabitants of the county of Steuben, praying

for the passage of a law, declaring the stealing of lumber, whether growing or severed, to be larceny, and punishable accordingly, was read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the county of Orleans, praying for legislative action, for the purpose of submitting questions involving war, to a high court of nations, or to international arbitrators, was read, and referred to the committee on the judiciary.

The remonstrance of sundry inhabitants of the city and county of Albany, against the interference of State officers, and the use of our jails for persons charged to be fugitive slaves, was read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the manor of Rensselaerwyck, praying for relief, was read, and referred to the select committee on that subject.

Two several petitions of sundry inhabitants of the counties of Otsego and Delaware, praying for the erection of a new county from parts of the counties of Otsego, Chenango and Delaware, with the seat of justice at Unadilla, were read, and referred to the committee on the erection and division of towns and counties.

The remonstrance of sundry inhabitants of the towns of Butternuts and Unadilla in the county of Otsego, against the erection of a new county with the seat of justice at Bainbridge, for which the remonstrants had been induced to petition under a misapprehension, was read, and referred to the committee on the erection and division of towns and counties.

The petition of the trustees of the village of Cazenovia in the county of Madison, praying for an amendment of the charter of said village, was read, and referred to the committee on the incorporation of cities and villages.

The petition of Joshua Reed of the county of Montgomery, praying for relief, was read, and referred to the committee on grievances.

The memorial of the New-York State Agricultural Society, praying for a renewal of the law to promote agriculture, was read, and referred to the committee on expiring laws.

The remonstrance of sundry inhabitants of the city and county of Albany, against the annexation of Texas to the Union, and praying the Legislature to pass resolutions immediately against such annexation, was read, and referred to the select committee on that subject.

Two several petitions of sundry inhabitants of the counties of St. Lawrence and Jefferson, praying for the passage of an act to renew and extend the charter for a railroad from Oswego to Syracuse, were read, and referred to the committee of the whole when on the bill upon that subject.

The petition of the Albany Liberty Association, in relation to the violation of the rights of citizens under the inspection laws of the State of Virginia, was read, and referred to the committee of the whole when on that subject.

The remonstrance of William Currie and others, against discontinuing Eleventh-street between Broadway and the Bowery in the city of New-York, was read, and referred to the committee of the whole when on the bill upon that subject.

Mr. Tefft, from the committee on claims, to which was referred the petition of John G. Wheelock and others, praying for relief against canal damages, reported unfavorably to the prayer of the petitioners, and offered the following resolution, to wit :

*Resolved*, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Tefft, from the committee on claims, to which was referred the petition of James D. Treat and others, praying for relief for canal damages, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Tefft accordingly brought in the said bill, entitled "An act for the relief of James D. Treat and others ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Van Valkenburgh, from the committee on railroads, to which was referred sundry petitions and papers relative to the New-York and Erie railroad, reported in writing, and asked leave to bring in a bill.

[ *See Document No. 31.* ]

Leave being granted, Mr. Van Valkenburgh accordingly brought in the said bill, entitled "An act in relation to the construction of the New-York and Erie railroad ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Titus, from the committee on trade and manufactures, to which was referred the petition of sundry inhabitants of the county of Greene, praying for the incorporation of a manufacturing company, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Titus accordingly brought in the said bill, entitled "An act to incorporate a manufacturing company ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Dickson, from the committee on the petitions of aliens, to which was referred the petition of Lucy Buckner, praying for a confirmation of title to certain real estate, reported favorably to the prayer of the petitioner, and asked leave to bring in a bill.

Leave being granted, Mr. Dickson accordingly brought in the said bill, entitled "An act to confirm the title to certain real estate in the widow of James Buckner, late of the county of Montgomery, an alien, deceased ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. M'Carthy, from the committee on the manufacture of salt, to which was referred the petition of Thomas Wheeler and Harvey Alvord, in relation to salt lot number 7 in the Onondaga reservation, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.



Leave being granted, Mr. M'Carthy accordingly brought in the said bill, entitled "An act for the relief of Thomas Wheeler and Harvey Alvord, administrators, etc. of John Jacob Mang deceased;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

By unanimous consent,

Mr. Coe moved that ten times the usual number of copies of the report of the committee on railroads, on the petitions relative to the New-York and Erie railroad, be printed.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Coe, and it was determined in the affirmative.

Mr. L. H. Brown, from the committee on colleges, academies and common schools, to which was referred the petition of sundry inhabitants of the county of Orange, praying for the passage of a law in reference to the High School in the village of Newburgh, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. L. H. Brown accordingly brought in the said bill, entitled "An act in relation to the Newburgh High School;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Ross, from the committee on the incorporation of cities and villages, to which was referred the petition of George Grant and others, praying for an amendment to the charter for the incorporation of the village of Chittenango, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Ross accordingly brought in the said bill, entitled "An act to amend an act to incorporate the village of Chittenango;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Niven, from the committee on privileges and elections, to which was referred the memorial of the Monroe general sessions, relative to betting on elections, reported, and asked leave to bring in a bill.

Leave being granted, Mr. Niven accordingly brought in the said bill, entitled "An act to prevent betting on elections;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Harris, from the select committee consisting of the members attending this house from the city and county of Albany, to which was referred the bill entitled "An act further to amend the act entitled 'An act relative to the city of Albany,' passed April 16th, 1842," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered,* That the said bill be committed to a committee of the whole house.

The annual report of the Merchants' Bank in the city of New-York, relative to unclaimed dividends and deposits, was received, read, and ordered to be printed and laid on the table.

The Ninth Annual Report of the New-York Institution for the Blind was received and read.

[See Document No. 45.]

*Ordered*, That the said report be laid on the table.

A communication from E. Croswell, Printer to the State, was received and read, in the words following, to wit :

# TO THE LEGISLATURE OF THE STATE OF NEW-YORK.

In obedience to the act entitled "An act to provide for the public printing," passed January 21st, 1843, the Printer to the State reports as follows :

The whole amount of fees charged for the publication of all legal notices which are required by law to be published in the State Paper, from the 23d January 1844, to the 22d day of January 1845 inclusive, is ..... \$6727 11  
 The amount charged for those still in a course of publication, 992 40  
 The whole amount received for the same period, and for the balance of the previous year, is ..... 6387 05  
 The amount received for publishing the laws for the State of New-York, for the 67th session of the legislature, is .... 200 00

All which is respectfully submitted.

E. CROSWELL.

*Albany, January 25, 1845.*

[See Document No. 34.]

A communication from the Hon. John A. Dix was received and read, in the words following, to wit :

*New-York, January 21, 1845.*

# TO THE SPEAKER OF THE ASSEMBLY.

SIR,

I was advised last evening, by the receipt of the resolutions of the two Houses of the Legislature, of my election to the Senate of the United States, "to fill the vacancy occasioned by the resignation of Silas Wright;" and I beg you to communicate to the body, over whose deliberations you preside, my acceptance of the office. I shall enter on the performance of its duties with an unfeigned diffidence of my ability to discharge them in such a manner to fulfil the expectations of those who have honored me with this distinguished trust, but with an earnest desire to respond to their confidence by a zealous devotion to the public service.

I am, very respectfully,

Your obedient servant,

JOHN A. DIX.

The report of the Canal Commissioners, on the petition of Warren Granger, Timothy C. Dwight and others, was received and read.

[See Document No. 27.]

*Ordered*, That the said report be laid on the table.

The bill entitled "An act to punish and prevent frauds in the use of false stamps and labels," was received from the Senate, with a message, requesting the concurrence of the Assembly to the same.

The said bill was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

The engrossed bill entitled "An act in relation to common schools," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill from the Senate, entitled "An act to prevent persons appearing disguised and armed," with the engrossed amendments, was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill and amendments, and it was determined in the affirmative.

{ AYES 104 }  
{ NAYS 07 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Bachman      | Mr. D. Gould   | Mr. Porter          |
| Mr. Bagg         | Mr. G. Goold   | Mr. Preston         |
| Mr. Bailey       | Mr. Gregory    | Mr. Rice            |
| Mr. Barber       | Mr. Hall       | Mr. Rogers          |
| Mr. Bevens       | Mr. Hannum     | Mr. Ross            |
| Mr. Bloss        | Mr. Harden     | Mr. Russell         |
| Mr. Bowen        | Mr. Harris     | Mr. Sager           |
| Mr. J. Brooks    | Mr. Hazelton   | Mr. Salisbury       |
| Mr. M. Brooks    | Mr. Heermans   | Mr. Searing         |
| Mr. Brower       | Mr. Hervey     | Mr. Sears           |
| Mr. L. H. Brown  | Mr. Hine       | Mr. A. C. Smith     |
| Mr. S. A. Brown  | Mr. Horton     | Mr. W. Smith        |
| Mr. T. Buel      | Mr. Howard     | Mr. Speaker         |
| Mr. Bunker       | Mr. Huntington | Mr. Spring          |
| Mr. Burdick      | Mr. Jarvis     | Mr. J. Stevenson    |
| Mr. Cameron      | Mr. Kinne      | Mr. R. L. Stevenson |
| Mr. Carpenter    | Mr. Knapp      | Mr. Strobridge      |
| Mr. Chase        | Mr. D. Lee     | Mr. Sweeney         |
| Mr. Coe          | Mr. T. R. Lee  | Mr. Tefft           |
| Mr. Collins      | Mr. Litchfield | Mr. Thayer          |
| Mr. Comstock     | Mr. M'Carthy   | Mr. Thompson        |
| Mr. Constant     | Mr. M'Key      | Mr. Titus           |
| Mr. Crain        | Mr. M'Vean     | Mr. Tuthill         |
| Mr. C. F. Crosby | Mr. Mann       | Mr. Van Schoonhoven |
| Mr. E. Crosby    | Mr. Mather     | Mr. Van Valkenburgh |



|               |                  |              |
|---------------|------------------|--------------|
| Mr. Culver    | Mr. Mersereau    | Mr. Walrath  |
| Mr. Danforth  | Mr. C. B. Miller | Mr. Wells    |
| Mr. Dayton    | Mr. S. Miller    | Mr. White    |
| Mr. De Puy    | Mr. Morris       | Mr. Whitney  |
| Mr. Dickson   | Mr. Morrison     | Mr. Wilcox   |
| Mr. Fellows   | Mr. Moulton      | Mr. Worden   |
| Mr. Field     | Mr. Niven        | Mr. Wyckoff  |
| Mr. Fonda     | Mr. Oakley       | Mr. Winant   |
| Mr. Frisbee   | Mr. Pardee       | Mr. J. Young |
| Mr. Garretson | Mr. Pierce       |              |

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Those who voted in the negative are

|              |             |              |
|--------------|-------------|--------------|
| Mr. Betts    | Mr. Johnson | Mr. McDonald |
| Mr. Boughton | Mr. Long    | Mr. Tibbitts |
| Mr. Fenn     |             |              |

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*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same with the amendments thereto therewith delivered.

On motion of Mr. Titus,

*Resolved*, That the petitions and papers relating to the claims of Mrs. Starkes of Cato, Cayuga county, for certain services of her husband in the revolutionary war, on file in this house, be referred to the committee on claims.

On motion of Mr. M'Carthy,

The House then proceeded to the consideration of the resolution offered yesterday by Mr. Russell ; which said resolution is in the words following, to wit :

*Resolved*, That the Secretary of State be authorised to cause to be printed, and distributed to each of the treasurers of the several counties, and to each of the supervisors of the several towns and wards in this State, a copy of the act passed at this session of the Legislature, "to extend the time for the collection of taxes for the year 1844."

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Fonda gave notice that he would, on some future day, bring in a bill to incorporate the Fonda Academy in Montgomery county.

Mr. Frisbee gave notice that he would, at an early day, introduce a bill to authorise the legal voters of the several common school districts of this State to vote money at their annual school meetings, to compensate librarians of district school libraries, such compensation not to exceed ten dollars.

On motion of Mr. Harris,

*Resolved*, That the petitions praying for a law authorising the construction of a bridge across the Hudson at the city of Albany, and the papers accompanying the same, be taken from the files, and referred to the committee on roads and bridges.

In pursuance of previous notice, Mr. Harriss asked for and obtained leave to bring in a bill, entitled "An act to extend the docks in the city

of Albany south of Hamilton-street ;" which was read the first time, and by unanimous consent was also read a second time, and, on motion of Mr. Harris, referred to a select committee, consisting of the members attending this house from the city and county of Albany.

On motion of Mr. Harris,

*Resolved*, That the petition and papers of A. M. Adsit and others, for relief, be taken from the files, and referred to the committee on grievances.

Mr. Worden offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the concurrent resolutions proposing all amendments to the Constitution, offered by Mr. Worden, and laid on the table, be referred to a select committee.

Mr. Comstock moved to amend the said resolution, so as to read as follows, to wit :

*Resolved*, That all resolutions, propositions and papers relating to the amendment or revision of the Constitution of this State, be referred to a select committee.

Mr. Speaker put the question whether the House would agree to the said amendment, and it was determined in the affirmative.

Mr. T. R. Lee moved to amend the said resolution, as amended, by inserting after the word "committee," the words "except the amendments agreed to by the Legislature of the last year," and that the last mentioned amendments be committed to a committee of the whole house.

Mr. Bailey moved to amend the said amendment offered by Mr. T. R. Lee, so as to commit all amendments to the Constitution to a committee of the whole house.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Bailey, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the said motion of Mr. T. R. Lee, and it was determined in the negative.

{ AYES 36 }  
{ NAYS 74 }

The ayes and nays being required by ten members.

Those who voted in the affirmative are

|               |               |                  |
|---------------|---------------|------------------|
| Mr. Bachman   | Mr. Dickson   | Mr. M'Key        |
| Mr. Bailey    | Mr. Fellows   | Mr. C. B. Miller |
| Mr. J. Brooks | Mr. D. Gould  | Mr. Porter       |
| Mr. Brower    | Mr. Hall      | Mr. Preston      |
| Mr. Bunker    | Mr. Harden    | Mr. Rodgers      |
| Mr. Burdick   | Mr. Hazelton  | Mr. Sager        |
| Mr. Carpenter | Mr. Jones     | Mr. Salisbury    |
| Mr. Chase     | Mr. Kinne     | Mr. Searing      |
| Mr. Constant  | Mr. Knapp     | Mr. A. C. Smith  |
| Mr. Crain     | Mr. T. R. Lee | Mr. Tefft        |
| Mr. Danforth  | Mr. M'Carthy  | Mr. Titus        |
| Mr. Dayton    | Mr. M'Donald  | Mr. Tuthill      |

Those who voted in the negative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Barber       | Mr. Heermans*  | Mr. Ross            |
| Mr. Betts        | Mr. Hervey     | Mr. Russell         |
| Mr. Bevins       | Mr. Hine       | Mr. Sears           |
| Mr. Bloss        | Mr. Horton     | Mr. W. Smith        |
| Mr. Bowen        | Mr. Howard     | Mr. Speaker         |
| Mr. M. Brooks    | Mr. Hunt       | Mr. Spring          |
| Mr. L. H. Brown  | Mr. Huntington | Mr. J. Stevenson    |
| Mr. S. A. Brown  | Mr. Jarvis     | Mr. R. L. Stevenson |
| Mr. T. Buel      | Mr. Johnson    | Mr. Strobbridge     |
| Mr. Cameron      | Mr. D. Lee     | Mr. Sweeney         |
| Mr. Coe          | Mr. Litchfield | Mr. Thayer          |
| Mr. Collins      | Mr. Long       | Mr. Thompson        |
| Mr. Comstock     | Mr. M'Vean     | Mr. Tibbitts        |
| Mr. C. F. Crosby | Mr. Mann       | Mr. Van Schoonhoven |
| Mr. E. Crosby    | Mr. Mather     | Mr. Van Valkenburgh |
| Mr. Culver       | Mr. Mersereau  | Mr. Walrath         |
| Mr. De Puy       | Mr. S. Miller  | Mr. Wells           |
| Mr. Fenn         | Mr. Morris     | Mr. White           |
| Mr. Field        | Mr. Morrison   | Mr. Whitney         |
| Mr. Fonda        | Mr. Moulton    | Mr. Wilcox          |
| Mr. Frisbee      | Mr. Niven      | Mr. Worden          |
| Mr. Garretson    | Mr. Oakley     | Mr. Wyckoff         |
| Mr. G. Goold     | Mr. Pardee     | Mr. Winant          |
| Mr. Hannum       | Mr. Pierce     | Mr. J. Young        |
| Mr. Harris       | Mr. Rice       |                     |

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Mr. Morrison moved to amend the said resolution, by adding the words "consisting of seven members ; and that the committee be instructed to report at as early a period in the session as practicable."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Morrison, and it was determined in the affirmative.

Thereupon,

Mr. Speaker put the question whether the House would agree to the said resolution offered by Mr. Worden, as amended by Mr. Comstock and Mr. Morrison, and it was determined in the affirmative.

The bill entitled "An act to extend the January term of the Supreme Court for the year 1845," was received from the Senate, with a message, requesting the concurrence of the Assembly in the same.

The said bill was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. J. Young asked for and obtained leave to bring in a bill, entitled "An act to amend an act entitled 'An act for the relief of Ira Pearsons and Ira Pearsons junior,' passed March 23d, 1844 ;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on claims.

In pursuance of previous notice, Mr. S. Miller asked for and obtained leave to bring in a bill, entitled "An act to amend the Revised Statutes,



so as to classify assessors and extend their term of office;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the internal affairs of towns and counties.

On motion of Mr. Van Schoonhoven,

*Resolved*, That all remonstrances and papers heretofore presented to the Legislature of this State, and now on the files of this house, in opposition to the construction of a bridge at Albany, be taken therefrom, and referred to the committee on roads and bridges.

In pursuance of previous notice, Mr. Kinne asked for and obtained leave to bring in a bill, entitled "An act to appoint commissioners of deeds in the several towns of this State;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

On motion of Mr. Van Valkenburgh,

*Resolved*, That a respectful message be sent to the Honorable the Senate, requesting that the papers in regard to the claims of Samuel S. Elsworth and others, be taken from their files, and transmitted to this house.

On motion of Mr. J. Young,

*Resolved*, That the petition and papers of Ira Pearsons and Ira Pearsons junior, be taken from the files of this house, and referred to the committee on claims.

On motion of Mr. D. Lee,

*Resolved*, That the petition of John G. Wheelock and others be taken from the table, and referred to the committee on canals.

Mr. Garretson moved that the House do now adjourn.

Mr. Speaker put the question whether the House would agree to the said motion, and it was determined in the negative,

} AYES 47 }  
} NAYS 61 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Bachman      | Mr. Hall       | Mr. Rogers          |
| Mr. Barber       | Mr. Hannum     | Mr. Ross            |
| Mr. Betts        | Mr. Harris     | Mr. Salisbury       |
| Mr. Bowen        | Mr. Heermans   | Mr. W. Smith        |
| Mr. L. H. Brown  | Mr. Hunt       | Mr. Spring          |
| Mr. Burdick      | Mr. Huntington | Mr. Thayer          |
| Mr. Cameron      | Mr. Jones      | Mr. Van Schoonhoven |
| Mr. Carpenter    | Mr. D. Lee     | Mr. Van Valkenburgh |
| Mr. Collins      | Mr. Long       | Mr. Walrath         |
| Mr. Comstock     | Mr. Mann       | Mr. Wells           |
| Mr. C. F. Crosby | Mr. Mather     | Mr. White           |
| Mr. Culver       | Mr. Mersereau  | Mr. Whitney         |
| Mr. De Puy       | Mr. S. Miller  | Mr. Wilcox          |

Mr. Field  
Mr. Garretson  
Mr. D. Gould

Mr. Morris  
Mr. Morrison  
Mr. Pierce

Mr. Worden  
Mr. J. Young

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Those who voted in the negative are

Mr. Bailey  
Mr. Bloss  
Mr. J. Brooks  
Mr. M. Brooks  
Mr. Brower  
Mr. S. A. Brown  
Mr. T. Buel  
Mr. Bunker  
Mr. Chase  
Mr. Coe  
Mr. Constant  
Mr. E. Crosby  
Mr. Danforth  
Mr. Dayton  
Mr. Dickson  
Mr. Fellows  
Mr. Fenn  
Mr. Fonda  
Mr. Frisbee  
Mr. G. Goold  
Mr. Gregory

Mr. Hazelton  
Mr. Hervey  
Mr. Hine  
Mr. Horton  
Mr. Howard  
Mr. Jarvis  
Mr. Johnson  
Mr. Kinne  
Mr. Knapp  
Mr. T. R. Lee  
Mr. Litchfield  
Mr. M'Carthy  
Mr. M'Donald  
Mr. M'Key  
Mr. M'Vean  
Mr. C. B. Miller  
Mr. Moulton  
Mr. Niven  
Mr. Oakley  
Mr. Pardee

Mr. Porter  
Mr. Preston  
Mr. Rice  
Mr. Russell  
Mr. Sager  
Mr. Searing  
Mr. Sears  
Mr. A. C. Smith  
Mr. Speaker  
Mr. J. Stevenson  
Mr. R. L. Stevenson  
Mr. Strobridge  
Mr. Sweeney  
Mr. Tefft  
Mr. Thompson  
Mr. Tibbits  
Mr. Titus  
Mr. Tuthill  
Mr. Wyckoff  
Mr. Winant

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Mr. T. R. Lee moved that the House do now resolve itself into a committee of the whole on the annual message of the Governor.

Mr. Speaker put the question whether the House would agree to the said motion, and it was determined in the negative.

On motion of Mr. Huntington,

The House then adjourned to eleven o'clock on Monday morning.

## MONDAY, JANUARY 27, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Fisher.

The minutes of Saturday were read and approved.

The petition of sundry inhabitants of the county of Cortland, praying for the repeal of the law passed at the last session, respecting fees in courts of record, was read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the county of Albany, praying for an increase in the compensation of jurors and witnesses in the said county, was read, and referred to the committee on the judiciary.

The petition of Philip Lazell of the county of Chautauque, praying for the passage of a law legalizing his acts as a justice of the peace since the first day of January instant, and also that he may still be permitted to take the oath of office, was read, and referred to the committee on the judiciary.

The memorial of the mayor, aldermen and commonalty of the city of New-York, relative to taxes and jurors in said city, was read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the county of Yates, praying for the adoption of resolutions recommending a submission of all national difficulties to a high court of nations or board of international arbitrators, was read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the county of Onondaga, praying for the passage of a law abolishing capital punishment, was read, and referred to the committee on the judiciary.

Four several petitions of sundry inhabitants of the counties of Broome and Delaware, praying for the erection of a new county from parts of the counties of Delaware, Otsego, Chenango and Broome, with the seat of justice at Bainbridge, were read, and referred to the committee on the erection and division of towns and counties.

Two several remonstrances of sundry inhabitants of the county of Delaware, against any division of said county, were read, and referred to the committee on the erection and division of towns and counties.

Five several petitions of sundry inhabitants of the counties of Otsego and Delaware, praying for the erection of a new county from parts of the counties of Delaware, Chenango and Otsego, with the seat of justice at Unadilla, were read, and referred to the committee on the erection and division of towns and counties.

The memorial of the mayor, aldermen and commonalty of the city of New-York, praying for the passage of a law regulating the sale of spirituous liquors in said city, was read, and referred to a select committee.

The memorial of the mayor, aldermen and commonalty of the city of New-York, praying for the passage of a law to enforce corporation ordinances, was read, and referred to the committee on the incorporation of cities and villages.



The petition of sundry inhabitants of the county of Rensselaer, praying for the passage of a law amending the charter of the Berlin and Pöstenkill Turnpike Company, was read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the county of Westchester, praying for the construction of a road, by convict labor, from Croton river to Fishkill, through the Highlands, was read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the counties of Tompkins, Yates and Seneca, praying for the passage of an act granting a new charter for a ferry across the Seneca lake, at the place known as Goodwin's Ferry, was read, and referred to the committee on roads and bridges.

Several petitions of sundry inhabitants of the counties of Madison, Ulster, Jefferson, Albany, Onondaga and St. Lawrence, praying for the incorporation of the American and Foreign Bible Society, were read, and referred to the committee on charitable and religious societies.

The petition of sundry inhabitants of the city of Rochester, praying for the passage of a law authorising the construction of a slip and basin at the village of Dansville in the county of Livingston, was read, and referred to the committee on canals.

The petition of sundry inhabitants of the towns in the vicinity of the Genesee Valley Canal, praying for the resumption of work on the said canal, was read, and referred to the committee on canals.

The petition of sundry inhabitants of the county of Saratoga, asking for the passage of a law for the preservation of game in said county, was read, and referred to the committee on the internal affairs of towns and counties.

The petition of sundry inhabitants of the counties of Monroe and Livingston, praying for the incorporation of a manufacturing company in the town of Wheatland, was read, and referred to the committee on trade and manufactures.

The memorial of the mayor, aldermen and commonalty of the city of New-York, praying for the passage of a law to provide for the collection of unpaid taxes, was read, and referred to the committee on ways and means.

The petition of the trustees of Fairfield Academy, praying for a more equal distribution of the Literature fund, was read, and referred to the committee on colleges, academies and common schools.

Nine several petitions of sundry inhabitants of the counties of Onondaga, Genesee, Delaware, Rensselaer and Cayuga, praying for the passage of a law submitting the question of license or no license to the people of the several towns and cities of the State, were read, and referred to the select committee on that subject.

The petition of sundry inhabitants of the county of Oneida, praying for the passage of a law to punish seduction and adultery, was read, and referred to the committee of the whole when on the bill upon that subject.

The memorial of the mayor, aldermen and commonalty of the city of New-York, praying for the passage of a law to punish licentiousness,  
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was read, and referred to the committee of the whole when on the bill upon that subject.

The memorial of the mayor, aldermen and commonalty of the city of New-York, praying for the passage of a law to prevent betting on elections, was read, and referred to the committee of the whole when on the bill upon that subject.

The Chair announced the appointment of a select committee of seven, on the amendments to the Constitution, to consist of Mr. Comstock, Mr. Russell, Mr. Niven, Mr. Bailey, Mr. L. H. Brown, Mr. Worden and Mr. Morrison.

Mr. Sears, from the committee on canals, to which was referred the petition of Joseph Jaquith and others, relative to a sidecut to the canal at the village of Liverpool, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Sears accordingly brought in the said bill, entitled "An act to authorise the canal commissioners to take charge of the sidecut canals in the village of Liverpool;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the petition of Enos T. Throop and others, praying for the repeal of an act to prevent the taking of trout in Owasco lake, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Chase accordingly brought in the said bill, entitled "An act for the repeal of an act passed April 23d, 1844, to prevent fishing in Owasco lake certain months of the year;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. W. Smith, from the committee on indian affairs, to which was referred the petition of sundry inhabitants of the county of Onondaga, relative to a road through the Indian reservation, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. W. Smith accordingly brought in the said bill, entitled "An act to provide for opening and improving the road through the Onondaga Indian reservation;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Tefft, from the committee on claims, to which was referred the petition of Evert Yates, praying for the passage of an act to authorise the Canal Appraisers to review in part their former decision in his case, reported favorably to the prayer of the petitioner, and asked leave to bring in a bill.

Leave being granted, Mr. Tefft accordingly brought in the said bill, entitled "An act for the relief of Evert Yates;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

The report of the Canal Commissioners, on the petition of James Spraker, was received and read.

*Ordered*, That the said report be referred to the committee on canals. The report of the Canal Board, on the petition of Solomon Brown, was received and read.

[*See Document No. 36.*]

*Ordered*, That the said report be referred to the committee on claims. A communication from the Secretary of State was received and read, in the words following, to wit :

SECRETARY'S OFFICE,  
DEPARTMENT OF COMMON SCHOOLS, }  
*Albany, January 27, 1845.*

HON. HORATIO SEYMOUR, *Speaker of the Assembly.*

SIR,

I herewith transmit a communication from Salem Town, of the county of Cayuga, giving a brief account of the several teachers' institutes which he has attended during the past year, and a synopsis of the course of instruction therein pursued ; also the annual report of the county superintendent of St. Lawrence, this morning received.

These communications would have formed a portion of the documents transmitted in connection with the annual report of this department, had they been received at the time that report was sent in to the House ; and as they contain valuable information, I would respectfully suggest that they be regarded as a portion of the annual report referred to.

Very respectfully yours,

S. YOUNG.

Mr. Coe moved that the reports referred to in the said communication be published as a part of the report of the Superintendent of Common Schools.

Mr. Speaker put the question whether the House would agree to the said motion, and it was determined in the affirmative.

Mr. Crain moved that the order of business, consisting of the third reading of bills, be passed over.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Crain, and it was determined in the negative.

In pursuance of previous notice, Mr. Wilcox asked for and obtained leave to bring in a bill, entitled "An act for the preservation of game in the county of Saratoga ;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the internal affairs of towns and counties.

On motion of Mr. Howard,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of amending the fifth section of the act entitled "An act to abolish imprisonment for debt and to punish fraudulent debtors," so as to require the complainants to give bail for costs.

In pursuance of previous notice, Mr. Bailey asked for and obtained leave to bring in a bill, entitled "An act extending the jurisdiction of courts of justices of the peace to suits against corporations ;" which



was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

Mr. Brower gave notice that he would, at an early day, ask leave to introduce a bill to amend an act entitled "An act to enlarge the powers of boards of supervisors," passed April 18th, 1838.

In pursuance of previous notice, Mr. Tefft asked for and obtained leave to bring in a bill, entitled "An act for the publishing local laws in each county of this State;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the public printing.

On motion of Mr. Wells,

*Resolved*, That the petitions and papers on file, in relation to the connection of a slip and basin at Dansville with the Dansville sidecut of the Genesee Valley Canal, be taken from the files, and referred to the committee on canals.

Mr. Bailey offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the committee on banks and insurance companies are hereby instructed to introduce a bill as early as practicable, requiring that on and after the first day of May 1845, the stockholders of all banks, insurance companies, trust companies, and all companies incorporated for manufacturing or other purposes, by any previous Legislature of this State, from which the stockholders may derive a pecuniary benefit, shall be held personally liable to an amount equal to the capital stock of the company in addition to the assets thereof : And also that whenever the property of the stockholders aforesaid shall become exhausted and unable to contribute to the said amount of the capital stock, then the president and officers (being stockholders) of the insolvent institution, together with all persons who through the intervention of agents or otherwise can be proved to have held stock in said company at any time within one year previous to the failure thereof, shall become personally liable for the loss sustained, to the amount of the capital stock remaining unpaid by the actual stockholders thereof.

*Ordered*, That the said resolution be laid on the table.

Mr. Hine gave notice that he would, at some future day, introduce a bill to abolish or modify the court of special sessions in all criminal proceedings of the degree of petit larceny and simple assault and battery, and for regulating fees and reducing the expenses in criminal proceedings in the several counties of this State.

In pursuance of previous notice, Mr. Barber asked for and obtained leave to bring in a bill, entitled "An act concerning the district attorney of the county of Cortland;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

Mr. T. R. Lee offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, (if the Senate concur,) That the Houses of the Legislature will adjourn *sine die* on the thirty-first day of March next.

*Ordered*, That the said resolution be laid on the table.

In pursuance of previous notice, Mr. Van Valkenburgh asked for and

obtained leave to bring in a bill, entitled "An act to amend the charter of the village of Bath, Steuben county ;" which was read the first time, and by unanimous consent was also read a second time, and, on motion of Mr. Van Valkenburgh, referred to a select committee, consisting of the members attending this house from the county of Steuben.

Mr. Mann offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the committee on the judiciary be instructed to report a bill to amend the act entitled "An act to extend the exemption of household furniture and working tools from distress for rent and sale under execution," passed April 11th, 1842, so as particularly to designate the several articles of property to be exempted from distress and sale by virtue of said act.

*Ordered*, That the said resolution be laid on the table.

On motion of Mr. Niven,

*Resolved*, That the committee on banks and insurance companies be instructed to inquire into the expediency of passing a general law for the incorporation of savings banks.

Mr. Worden offered for the consideration of the House four several resolutions, in the words following, to wit :

*Resolved*, (if the Senate concur,) That no power is delegated to the Federal Congress to enter into new political associations or confederacies by which the territory of a foreign government shall become incorporated with the United States ; and that any law, stipulation or arrangement made by Congress to annex Texas to this Union would be a violation of the Constitution.

*Resolved*, (if the Senate concur,) That the acquisition of territory by the Federal Government, for the purpose of strengthening or extending the institution of slavery, would be a perversion of power to objects and purposes unauthorised by the Constitution.

*Resolved*, (if the Senate concur,) That the Senators from this State be instructed to vote for the rejection of any treaty to admit Texas into the Union.

*Resolved*, (if the Senate concur,) That our senators from this State be instructed, and our representatives in Congress requested to oppose the admission as a State into the Union, of any territory, without making the prohibition of slavery an indispensable condition of admission.

On motion of Mr. Worden,

*Ordered*, That the said resolutions be printed, and laid on the table.

[See Document No. 33.]

On motion of Mr. C. F. Crosby,

*Resolved*, That the petition and other papers relating to a bridge across the Rondout, be taken from the files of the house, and sent to the committee on roads and bridges.

In pursuance of previous notice, Mr. Danforth asked for and obtained leave to bring in a bill, entitled "An act to supply the several school districts in the State of New-York with the Albany Cultivator for the year 1845 ;" which was read the first time, and by unanimous consent

was also read a second time, and referred to the committee on colleges, academies and common schools.

On motion of Mr. Thompson,

*Ordered*, That Mr. Blake have leave of absence for eight days.

On motion of Mr. Comstock,

*Ordered*, That Mr. Billings have leave of absence for six days.

On motion of Mr. Garretson,

*Ordered*, That Mr. Sherman have leave of absence for seven days.

On motion of Mr. Fonda,

*Ordered*, That Mr. Newkirk have leave of absence for three days.

Mr. Carpenter gave notice that he would, at some future day, ask leave to introduce a bill to repeal the act entitled "An act to prevent usury," passed May 15th, 1837.

Mr. Sweeney gave notice that he would, at some future day, introduce a bill to improve the militia system of this State.

The House then again resolved itself into a committee of the whole, on the annual message of the Governor; and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Crain, from the said committee, reported progress, and asked for and obtained leave to sit again.

The bill entitled "An act in relation to common schools," was received from the Senate, with a message, informing that they had passed the same without amendment.

*Ordered*, That the Clerk deliver the said bill to the Governor.

The bill entitled "An act to prevent persons appearing disguised and armed," was received from the Senate, with a message, informing that they had concurred in the amendments of the Assembly to the said bill, and amended the same accordingly.

The said amended bill having been examined,

*Ordered*, That the Clerk return the same to the Senate.

By unanimous consent,

Mr. Worden moved that the committee on the judiciary, to which was referred the engrossed bill from the Senate, entitled "An act to extend the January term of the Supreme Court for the year 1845," be authorised to report the said bill complete to this house.

Mr. Speaker put the question whether the House would agree to the said motion, and it was determined in the affirmative.

On motion of Mr. Betts,

The House then adjourned to eleven o'clock to-morrow morning.



## TUESDAY, JANUARY 28, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Campbell.

The minutes of yesterday were read and approved.

Eight several petitions of sundry inhabitants of the manor of Rensselaerwyck, praying for relief, were read, and referred to a select committee.

Three several petitions of sundry inhabitants of the counties of Greene, Richmond and Jefferson, praying for the incorporation of the American and Foreign Bible Society, were read, and referred to the committee on charitable and religious societies.

Thirteen several remonstrances of sundry inhabitants of the counties of Westchester, Ulster, Suffolk, Genesee, Albany and Monroe, against the incorporation of the American and Foreign Bible Society, were read, and referred to the committee on charitable and religious societies.

The memorial of the trustees of the Leake and Watts Orphan House, praying for an amendment of the act in relation to binding out orphans, passed April 13th, 1844, was read, and referred to the committee on charitable and religious societies.

The petition of sundry inhabitants of the county of Steuben, praying for an amendment of the charter of the village of Bath in said county, was read, and referred to a select committee, consisting of the members attending this house from the county of Steuben.

Two several petitions of sundry inhabitants of the counties of Fulton and Westchester, praying for the passage of a law authorising the people of the several towns to grant licenses, etc., were read, and referred to the select committee on that subject.

Two several petitions of sundry inhabitants of the counties of Saratoga and Erie, praying for the passage of a penal law to suppress licentiousness, were read, and referred to the select committee on that subject.

Four several petitions of sundry inhabitants of the counties of Oswego and Onondaga, praying for the renewal of the charter for a railroad from Oswego to Syracuse, were read, and referred to the committee of the whole when on the bill upon that subject.

Two several petitions of sundry inhabitants of the county of Allegany, praying for the passage of a law to punish as a larceny the stealing of timber, whether growing or severed, were read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the county of Albany, praying for the passage of a law increasing the compensation of jurors and witnesses in the said county, was read, and referred to the committee on the judiciary.

Five several petitions of sundry inhabitants of the counties of Chenango, Broome and Delaware, praying for the erection of a new county from parts of the counties of Chenango, Broome, Delaware and Otsego, to be called the county of Wright, with the seat of justice at Bainbridge,

were read, and referred to the committee on the erection and division of towns and counties.

Two several remonstrances of sundry inhabitants of the county of Delaware, against any division of said county, were read, and referred to the committee on the erection and division of towns and counties.

Four several petitions of the trustees of the Bethany, Stillwater, Yates and Cambridge Washington Academies, praying for the passage of a law for the more equal distribution of the Literature fund, were read, and referred to the committee on colleges, academies and common schools.

The petition of the trustees of the Stillwater Academy, for a loan to the said academy, was read, and referred to the committee on colleges, academies and common schools.

The petition of the members of the Farmers' Club of the city of New-York, praying for the passage of a law establishing an agricultural college and an experimental farm, to be located in or near the city of New-York, conformable to the petition of the American Institute, was read, and referred to the committee on agriculture.

The memorial of the president, directors and company of the Catskill Bank, praying for the passage of a law authorising them to reduce the capital of the said bank, was read, and referred to the committee on banks and insurance companies.

The petition of sundry inhabitants of the county of Oneida, praying for the repeal of the law allowing the Utica and Schenectady Railroad Company to carry freight, was read, and referred to the committee on railroads.

The petition of sundry inhabitants of the counties of Madison and Otsego, praying for the passage of a law reviving and amending the act of April 25th, 1832, incorporating the Utica and Susquehannah Railroad Company, was read, and referred to the committee on railroads.

Three several petitions of sundry inhabitants of the county of Erie, praying for the passage of a law rechartering the company for the erection of a toll-bridge over Eighteen-mile creek in said county, were read, and referred to the committee on roads and bridges.

The remonstrance of sundry inhabitants of the county of Chautauque, against the recharter of the company for the erection of a toll-bridge over the Eighteen-mile creek in said county, was read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the county of Westchester, praying for the passage of a law for the relief of the town of Westchester in said county, was read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the city of New-York, praying for the passage of a law abolishing military parades, was read, and referred to the committee on the militia and public defence.

Mr. Sweeney, from the committee on expiring laws, to which was referred the memorial of the New-York State Agricultural Society, reported, and asked leave to bring in a bill.

Leave being granted, Mr. Sweeney accordingly brought in the said bill, entitled "An act to extend the acts to promote agriculture;" which

was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the petition of sundry inhabitants of the county of Cortland, praying for the repeal of the law abolishing the office of commissioner of deeds, reported unfavorably to the prayer of the petitioners, and offered the following resolution, to wit :

*Resolved*, That the committee be discharged from the further consideration of the said petition.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the engrossed bill from the Senate, entitled "An act to extend the January term of the Supreme Court for the year 1845," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill do have its third reading.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the engrossed bill from the Senate, entitled "An act to confirm certain conveyances executed by Eleazer Williams, an indian," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the engrossed bill from the Senate, entitled "An act in relation to the courts of common pleas and general sessions of the county of Saratoga," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill do have its third reading.

Mr. Garretson, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to incorporate the Hudson Orphan and Relief Association in the city of Hudson," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Tefft, from the committee on claims, to which was referred the petition of Solomon Brown, praying for relief and compensation for services rendered on the Erie canal enlargement, reported unfavorably to the prayer of the petitioner, and offered the following resolution :

*Resolved*, That the prayer of the petitioner ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Tefft, from the committee on claims, to which was referred the petition of Hiram C. Chapman, Samuel Elsworth and James Robertson, praying for relief, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Tefft accordingly brought in the said bill, entitled "An act for the relief of Hiram Chapman ;" which was read



the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Dickson, from the committee on the petitions of aliens, to which was referred the petition of Jeremiah Reeves, praying for relief, reported favorably to the prayer of the petitioner, and asked leave to bring in a bill.

Leave being granted, Mr. Dickson accordingly brought in the said bill, entitled "An act for the relief of Jeremiah Reeves;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Fonda, from the committee on the militia and public defence, to which was referred the petition of Michael Francisco, a revolutionary soldier, praying for a grant of money in lieu of his claims for bounty land, reported in writing, and asked leave to bring in a bill.

[See Document No. 40.]

Leave being granted, Mr. Fonda accordingly brought in the said bill, entitled "An act for the relief of Michael Francisco, a revolutionary soldier;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Comstock, from the committee on the judiciary, to which was referred the petition of Henry K. Keyes, to assume the name of Henry K. Haydon, reported favorably to the prayer of the petitioner, and asked leave to bring in a bill.

Leave being granted, Mr. Comstock accordingly brought in the said bill, entitled "An act authorising Henry K. Keyes to assume the name of Henry K. Haydon;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Comstock, from the select committee on the amendments to the Constitution, reported in part, and concluded by offering the following several preambles and resolutions, to wit :

WHEREAS at the last session of the Legislature, the following amendment was proposed to the Constitution of this State :

Two additional justices of the supreme court shall be appointed, who shall have the same powers, be appointed in the same manner, hold their offices by the same tenure, and be subject to the same disqualifications as to holding any other office or trust, or receiving votes for any elective office, as the other justices of that court :

AND WHEREAS the said proposed amendment was, at the said last session, agreed to by a majority of the members elected to each of the two houses, and was entered on their journals with the yeas and nays thereon, and was referred to the Legislature then next to be chosen, and has been published for three months previous to the time of making the choice of the members of the present Legislature :

Therefore,

*Resolved*, That the Assembly do agree to the said proposed amendment.

WHEREAS at the last session of the Legislature, the following amendment was proposed to the Constitution of this State :

The court of chancery shall consist of the chancellor and three associate chancellors, any of whom may hold the court. The said associate chancellors shall have the same powers, be appointed in the same manner, hold their offices by the same tenure, and be subject to the same disqualifications as to holding any other office or public trust, or receiving votes for any elective office, as the chancellor :

AND WHEREAS the said proposed amendment was, at the said last session, agreed to by a majority of the members elected to each of the two houses, and was entered on their journals with the yeas and nays taken thereon, and was referred to the Legislature then next to be chosen, and has been published for three months previous to the time of making the choice of the members of the present Legislature :

Therefore,

*Resolved*, That the Assembly do agree to the said proposed amendment.

WHEREAS at the last session of the Legislature, the following amendment was proposed to the Constitution of this State :

No property qualification shall be required to render a person eligible to, or capable of holding any office or public trust in this State :

AND WHEREAS the said proposed amendment was, at the said last session, agreed to by a majority of the members elected to each of the two houses, and was entered on their journals with the yeas and nays taken thereon, and was referred to the Legislature then next to be chosen, and has been published for three months previous to the time of making the choice of the members of the present Legislature :

Therefore,

*Resolved*, That the Assembly do agree to the said proposed amendment.

WHEREAS at the last session of the Legislature, the following amendment was proposed to the Constitution of this State :

No judicial officer shall be removed by the joint resolution of the two houses of the legislature, or by the senate on the recommendation of the governor, unless the cause of such removal shall be entered on the journal of both houses, or of the senate, as the case may be ; and such officer against whom the legislature or the senate may be about to proceed, shall be served with notice thereof, accompanied with a copy of the causes alleged for his removal, at least twenty days before the day on which either house shall act thereupon, and shall have an opportunity to be heard in his defence before any question shall be taken upon such removal ; and the yeas and nays shall be entered upon the journals of the senate, or houses, as the case may be.

AND WHEREAS the said proposed amendment was, at the said last session, agreed to by a majority of the members elected to each of the two houses, and was entered on their journals with the yeas and nays taken thereon, and was referred to the Legislature then next to be chosen, and has been published for three months previous to the time of making the choice of the members of the present Legislature :

Therefore,

*Resolved*, That the Assembly do agree to the said proposed amendment.

Mr. Comstock moved that the said preambles and resolutions be committed to a committee of the whole house, and made the special order for Friday next at twelve o'clock.

Mr. Speaker put the question whether the House would agree to the said motion, and it was determined in the affirmative.

Mr. Comstock, from the majority of the select committee on the amendments to the Constitution, reported in part, and offered the following preamble and resolution, to wit :

WHEREAS at the last session of the Legislature, the following amendments were proposed to the Constitution of this State :

#### AMENDMENT No. 1.

The pledges and guarantees of the act entitled "An act to provide for paying the debts and preserving the credit of the State," passed March 29th, 1842, are hereby confirmed ; and the revenues specified therein shall be applied to the purposes therein specified, including the repayment to the United States Deposit Fund, and to the Common School Fund, of all moneys of the said funds which have been or shall be invested in pursuance of the said act, in such equal annual sums as will be sufficient to pay in full, both principal and interest, all the debts and liabilities of this State, as they existed at the time of the passage of the said act ; and also all the debts and liabilities of the State authorised by said act to be created and incurred, and which have been created and incurred by authority of and pursuant to said act, in the period of twenty-two and a half years from the time said act was passed and took effect ; and the legislature shall not divert any part of the revenues appropriated by said act, requisite to pay in full, both principal and interest, all the debts and liabilities of the State herein before specified, within the fixed period of time, and in the equal annual sums herein before expressed, from the purposes to which they are herein before directed to be applied.

#### AMENDMENT No. 2.

The legislature shall not in any manner create any debt or debts, liability or liabilities of the State, direct or contingent, which shall, singly or in the aggregate, at any time exceed one million of dollars, except to repel invasion or suppress insurrection, unless the same shall be authorised by law for some single object or work to be distinctly specified therein ; and such law shall impose and provide for the collection of a direct annual tax sufficient to pay the interest of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within eighteen years from the time of the contracting thereof ; and no such law shall take effect until it shall, at a general election, have been submitted to the people, and have received the sanction of a majority of all the votes cast for and against it at such election ; and on the final passage of every such bill in either house of the legislature, the



question shall be taken by ayes and nays, duly entered on the journal, and shall be "Shall this bill pass, and ought the same to receive the sanction of the people?" And the assent of a majority of the members elected to each house of the legislature shall be requisite to the passage of such bill; and such law shall be irrevocable, until such debt or liability, and the interest thereon, are fully paid and discharged; and the moneys arising from any loans or stocks creating such debt or liability, shall be applied to the object or work specified in the act authorising such debt or liability, or for the payment of such debt or liability, and to no other purpose whatever. Where a debt or liability on the part of the State shall be created to repel invasion or suppress insurrection, the moneys arising from the loans or stock creating such debt or liability shall be applied to the purpose for which the same were raised, or for the repayment of such debt or liability, and to no other purpose whatever.

AND WHEREAS the said proposed amendments were, at the said last session, agreed to by a majority of the members elected to each of the two houses, and were entered on their journals with the yeas and nays taken thereon, and were referred to the Legislature then next to be chosen, and have been published for three months previous to the time of making the choice of the members of the present Legislature:

Therefore,

*Resolved*, That the Assembly do agree to the said proposed amendments.

Mr. Comstock moved that the said preamble and resolution be committed to a committee of the whole house, and made the special order for Friday next at twelve o'clock.

Mr. Coe called for a division of the question.

Mr. Speaker put the question whether the House would agree to commit the said preamble and resolution to a committee of the whole house, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to make the said preamble and resolution the special order for Friday next at twelve o'clock, and it was determined in the affirmative.

A message from the Governor was received and read, in the words following, to wit:

EXECUTIVE CHAMBER, }  
Albany, January 28, 1845. }

TO THE ASSEMBLY.

I have this day approved and signed the bill entitled "An act in relation to common schools."

SILAS WRIGHT.

A report of the Canal Appraisers, upon the petition of John Watkins, was received and read.

[See Document No. 41.]

*Ordered*, That the said report be referred to the committee on claims.

The engrossed bill from the Senate, entitled "An act to extend the January term of the Supreme Court for the year 1845," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The House then proceeded to the consideration of the engrossed bill from the Senate, entitled "An act in relation to the court of common pleas and general sessions of the county of Saratoga."

Mr. Wilcox moved that the said bill be referred to a select committee, consisting of the members attending this house from the county of Saratoga, with instructions to report the same complete.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Wilcox, and it was determined in the affirmative.

Mr. Jones gave notice that he would, at some future day, ask leave to introduce a bill relative to books of records and proceedings in courts.

On motion of Mr. Betts,

*Resolved*, That the petition of sundry inhabitants of the village of Lansingburgh, praying for the removal of the bridge across the Hudson at Troy, be taken from the files, and referred to the committee on roads and bridges.

On motion of Mr. Mather,

*Resolved*, That the committee on the incorporation of cities and villages be discharged from the further consideration of the memorial of the mayor, etc. of the city of New-York, for an act to enforce corporation ordinances, and that said memorial be referred to the committee on the internal affairs of towns and counties.

In pursuance of previous notice, Mr. Morrison asked for and obtained leave to bring in a bill, entitled "An act for the protection of persons keeping boarding houses in the city of New-York;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

On motion of Mr. Howard,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of passing a law, requiring both parties to all personal mortgages to establish, by their oaths, that the debt for which the mortgage is given is just and legal.

By unanimous consent,

Mr. Van Valkenburgh moved that Mr. J. Stevenson have leave of absence for seven days.

Mr. Speaker put the question whether the House would agree to the said motion, and it was determined in the affirmative.

Mr. Van Valkenburgh offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, (if the Honorable the Senate concur herein,) That pursuant to the twelfth section of the act incorporating the New-York and Erie Railroad Company, the consent of the Legislature be and is hereby granted, allowing said company to connect the railroad authorised by the said act, with a continuation of about sixteen miles of the line

thereof into the State of Pennsylvania, around the great bend of the Susquehannah ; and also to connect the same with a continuation of not exceeding twenty-five miles of the line thereof into the said State of Pennsylvania, along the southerly side of the Delaware river in the county of Pike, opposite to, and in order to avoid all interference with the canal of the Delaware and Hudson Canal Company ; and also to connect their said railroad with the Blossburgh and Corning railroad, at the intersection thereof in the village of Corning ; provided that the line of the said railroad shall, as heretofore contemplated, pass through the villages of Deposit in Delaware and Binghamton in Broome counties.

*Ordered*, That the said resolution be laid on the table.

Mr. Bailey called for the consideration of the resolution offered by him yesterday ; which said resolution is in the words following, to wit :

*Resolved*, That the committee on banks and insurance companies are hereby instructed to introduce a bill as early as practicable, requiring that on and after the first day of May 1845, the stockholders of all banks, insurance companies, trust companies, and all companies incorporated for manufacturing or other purposes, by any previous Legislature of this State, from which the stockholders may derive a pecuniary benefit, shall be held personally liable to an amount equal to the capital stock of the company in addition to the assets thereof : And also that whenever the property of the stockholders aforesaid shall become exhausted and unable to contribute to the said amount of the capital stock, then the president and officers (being stockholders) of the insolvent institution, together with all persons who through the intervention of agents or otherwise can be proved to have held stock in said company at any time within one year previous to the failure thereof, shall become personally liable for the loss sustained, to the amount of the capital stock remaining unpaid by the actual stockholders thereof.

The said resolution being under consideration,

Mr. Bailey amended the same, by adding the words "and also that in all elections held by any corporation, no shares of stock shall be represented by proxy."

Mr. Comstock moved to amend the said resolution, by inserting, after the words "are hereby instructed to," the words "inquire into the expediency of;" and to substitute the word "introducing" for the word "introduce," after such insertion.

Debates were had thereon ; when

Mr. M. Brooks moved to lay the said resolution and amendment on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. M. Brooks, and it was determined in the negative.

{ AYES 36 }  
{ NAYS 73 }

The ayes and nays being required by ten members,



Those who voted in the affirmative are

|               |                |                 |
|---------------|----------------|-----------------|
| Mr. Barber    | Mr. D. Gould   | Mr. Mersereau   |
| Mr. Bevins    | Mr. Hall       | Mr. Morrison    |
| Mr. Bowen     | Mr. Harris     | Mr. Oakley      |
| Mr. M. Brooks | Mr. Horton     | Mr. Porter      |
| Mr. Burdick   | Mr. Howard     | Mr. Ross        |
| Mr. E. Crosby | Mr. Hunt       | Mr. Speaker     |
| Mr. Culver    | Mr. Huntington | Mr. Spring      |
| Mr. De Puy    | Mr. Jarvis     | Mr. Thayer      |
| Mr. Fonda     | Mr. Jones      | Mr. Walrath     |
| Mr. Frisbee   | Mr. D. Lee     | Mr. Wheeler     |
| Mr. Garretson | Mr. Mann       | Mr. A. W. Young |
| Mr. Giffard   | Mr. Mather     | Mr. J. Young    |

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Those who voted in the negative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bagg         | Mr. Field        | Mr. Pardee          |
| Mr. Bailey       | Mr. G. Goold     | Mr. Pierce          |
| Mr. Betts        | Mr. Gregory      | Mr. Preston         |
| Mr. Bloss        | Mr. Hannum       | Mr. Rogers          |
| Mr. J. Brooks    | Mr. Harden       | Mr. Russell         |
| Mr. L. H. Brown  | Mr. Hazelton     | Mr. Sager           |
| Mr. S. A. Brown  | Mr. Heermans     | Mr. Salisbury       |
| Mr. T. Buel      | Mr. Hervey       | Mr. Searing         |
| Mr. Bunker       | Mr. Hine         | Mr. Sears           |
| Mr. Cameron      | Mr. Johnson      | Mr. A. C. Smith     |
| Mr. Carpenter    | Mr. Kinne        | Mr. W. Smith        |
| Mr. Casner       | Mr. Knapp        | Mr. J. Stevenson    |
| Mr. Chase        | Mr. T. R. Lee    | Mr. R. L. Stevenson |
| Mr. Coe          | Mr. Litchfield   | Mr. Strobbridge     |
| Mr. Collins      | Mr. Long         | Mr. Sweeney         |
| Mr. Comstock     | Mr. M'Carthy     | Mr. Tefft           |
| Mr. Constant     | Mr. M'Donald     | Mr. Titus           |
| Mr. Crain        | Mr. M'Key        | Mr. Tuthill         |
| Mr. C. F. Crosby | Mr. M'Vean       | Mr. Van Valkenburgh |
| Mr. Danforth     | Mr. C. B. Miller | Mr. Wells           |
| Mr. Dayton       | Mr. S. Miller    | Mr. White           |
| Mr. Dewey        | Mr. Morris       | Mr. Whitney         |
| Mr. Dickson      | Mr. Moulton      | Mr. Worden          |
| Mr. Edwards      | Mr. Niven        | Mr. Winant          |
| Mr. Fellows      |                  |                     |

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Thereupon,

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Comstock, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to the said resolution, as amended, and it was determined in the affirmative.

In pursuance of previous notice, Mr. Niven asked for and obtained leave to bring in a bill, entitled "An act for the safe keeping and removal of insane convicts in the State prisons of this State, to State lunatic asylums;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on state prisons.

On motion of Mr. Worden,

The House then proceeded to the consideration of the resolutions offered by him yesterday; which said resolutions are in the words following, to wit:

*Resolved*, (if the Senate concur,) That no power is delegated to the Federal Congress to enter into new political associations or confederacies by which the territory of a foreign government shall become incorporated with the United States; and that any law, stipulation or arrangement made by Congress to annex Texas to this Union would be a violation of the Constitution.

*Resolved*, (if the Senate concur,) That the acquisition of territory by the Federal Government, for the purpose of strengthening or extending the institution of slavery, would be a perversion of power to objects and purposes unauthorised by the Constitution

*Resolved*, (if the Senate concur,) That the Senators from this State be instructed to vote for the rejection of any treaty to admit Texas into the Union.

*Resolved*, (if the Senate concur,) That our senators from this State be instructed, and our representatives in Congress requested to oppose the admission as a State into the Union, of any territory, without making the prohibition of slavery an indispensable condition of admission.

Mr. Russell moved to refer the said resolutions to the select committee on the subject of the annexation of Texas.

Mr. Worden moved to amend the said motion of Mr. Russell, by adding the words "and that the said committee be instructed to report to-morrow morning in favor of said resolutions."

Mr. Carpenter moved that the House do now adjourn.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Carpenter, and it was determined in the negative.

} AYES 37 }  
} NAYS 73 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bevins      | Mr. Harden       | Mr. Searing         |
| Mr. Boughton    | Mr. T. R. Lee    | Mr. Sears           |
| Mr. M. Brooks   | Mr. Mersereau    | Mr. A. C. Smith     |
| Mr. L. H. Brown | Mr. C. B. Miller | Mr. W. Smith        |
| Mr. Burdick     | Mr. Morris       | Mr. Speaker         |
| Mr. Cameron     | Mr. Moulton      | Mr. R. L. Stevenson |

|               |               |                     |
|---------------|---------------|---------------------|
| Mr. Carpenter | Mr. Pardee    | Mr. Strobridge      |
| Mr. Constant  | Mr. Pierce    | Mr. Titus           |
| Mr. Danforth  | Mr. Porter    | Mr. Van Valkenburgh |
| Mr. Dickson   | Mr. Rogers    | Mr. Walrath         |
| Mr. Fellows   | Mr. Ross      | Mr. Whitney         |
| Mr. D. Gould  | Mr. Salisbury | Mr. Winant          |
| Mr. Gregory   |               |                     |

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Those who voted in the negative are

|                  |                |                  |
|------------------|----------------|------------------|
| Mr. Bagg         | Mr. Fonda      | Mr. M'Donald     |
| Mr. Bailey       | Mr. Frisbee    | Mr. M'Key        |
| Mr. Barber       | Mr. Garretson  | Mr. M'Vean       |
| Mr. Bloss        | Mr. Giffard    | Mr. Mather       |
| Mr. Bowen        | Mr. G. Goold   | Mr. S. Miller    |
| Mr. J. Brooks    | Mr. Hall       | Mr. Morrison     |
| Mr. Brower       | Mr. Hannum     | Mr. Oakley       |
| Mr. S. A. Brown  | Mr. Harris     | Mr. Preston      |
| Mr. A. H. Buel   | Mr. Hazelton   | Mr. Russell      |
| Mr. T. Buel      | Mr. Heermans   | Mr. Sager        |
| Mr. Bunker       | Mr. Hervey     | Mr. Spring       |
| Mr. Casner       | Mr. Hine       | Mr. J. Stevenson |
| Mr. Chase        | Mr. Howard     | Mr. Sweeney      |
| Mr. Coe          | Mr. Hunt       | Mr. Tefft        |
| Mr. Collins      | Mr. Huntington | Mr. Thayer       |
| Mr. Comstock     | Mr. Jarvis     | Mr. Thompson     |
| Mr. Crain        | Mr. Johnson    | Mr. Tnithill     |
| Mr. C. F. Crosby | Mr. Jones      | Mr. Wells        |
| Mr. E. Crosby    | Mr. Kinne      | Mr. Wheeler      |
| Mr. Culver       | Mr. Knapp      | Mr. White        |
| Mr. Dayton       | Mr. D. Lee     | Mr. Wilcox       |
| Mr. De Puy       | Mr. Litchfield | Mr. Worden       |
| Mr. Dewey        | Mr. Long       | Mr. A. W. Young  |
| Mr. Edwards      | Mr. M'Carthy   | Mr. J. Young     |
| Mr. Field        |                |                  |

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Mr. Bailey moved to postpone the further consideration of the said resolutions and amendments to the first day of May next.

Pending the consideration of the said motion, and on motion of Mr. T. R. Lee, the House adjourned to eleven o'clock to-morrow morning.



## WEDNESDAY, JANUARY 29, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Fisher.

The minutes of yesterday were read and approved.

The petition of the board of managers of the American and Foreign Bible Society, praying for the passage of an act incorporating their society, was read, and referred to the committee on charitable and religious societies.

Thirteen several petitions of sundry inhabitants of the counties of Albany, Jefferson, Genesee, Essex, Chautauque, Ulster, Wyoming, Washington, Schoharie, Lewis and Schenectady, praying for the incorporation of the American and Foreign Bible Society, were read, and referred to the committee on charitable and religious societies.

The petition of A. B. Johnson of the city of Utica, praying for an amendment of the Constitution, so that naturalized citizens may be eligible to the office of governor of this State, was read, and referred to the select committee on the amendments to the Constitution.

The petition of Andrew J. Yates of the county of Montgomery, praying for redress on account of erroneous estimates made by an engineer on the Erie canal enlargement, was read, and referred to the committee on claims.

Three several petitions of sundry inhabitants of the city of New-York, praying for the passage of an act for the registry of legal voters in this State, were read, and referred to the committee on privileges and elections.

The petition of sundry inhabitants of the manor of Rensselaerwyck, praying for relief, was read, and referred to a select committee.

The memorial of sundry inhabitants of the village of Fredonia in the county of Chautauque, praying for an amendment of the charter of the said village, was read, and referred to the committee on the incorporation of cities and villages.

The petition of three hundred and eighty-one inhabitants of the county of Oneida, praying for the passage of a penal law to punish licentiousness, was read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the counties of Oswego and Onondaga, praying for the renewal of the charter for a railroad from Oswego to Syracuse, was read, and referred to the committee of the whole when on the bill upon that subject.

Three several petitions of sundry inhabitants of the counties of Chenango and Delaware, praying for the erection of a new county from parts of the counties of Otsego, Chenango, Delaware and Broome, to be called the county of Wright, with the seat of justice at Bainbridge, were read, and referred to the committee on the erection and division of towns and counties.

The petition of the judges, supervisors and clerk of the county of

Steuben, praying for the passage of a law to abolish the office of poor-master in said county, and to authorise the supervisor to perform the duties thereof, was read, and referred to the committee on the internal affairs of towns and counties.

The petition of sundry inhabitants of the vicinity of the Mohawk river, praying for the passage of a law regulating the pike fishery in the said river, was read, and referred to the committee on the internal affairs of towns and counties.

Six several petitions of sundry inhabitants of the counties of Cayuga, Yates, Cortland and Onondaga, praying for a change in the license law, were read, and referred to the select committee on that subject.

The petition of sundry inhabitants of the vicinity of the Genesee Valley Canal, praying for the passage of a law authorising the resumption of work on said canal, was read, and referred to the committee on canals.

The remonstrance of sundry inhabitants of the vicinity of the Dansville branch of the Genesee Valley Canal, against the use of the Dansville slip and basin by the State, was read, and referred to the committee on canals.

The remonstrance of sundry inhabitants of the city of New-York, against any increase of the tax on insurance agencies from other States, was read, and referred to the committee on banks and insurance companies.

Three several petitions of sundry inhabitants of the county of Orange, praying for the reduction of the legal rate of interest to six per centum, were read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the county of Albany, praying for the passage of a law increasing the compensation of jurors and witnesses in the said county, was read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the county of Cayuga, praying for the repeal of the fee bill of 1844, was read, and referred to the committee on the judiciary.

The remonstrance of sundry inhabitants of the county of Niagara, against changing the law relative to the police justice in the village of Lockport, was read, and referred to the committee on the judiciary.

The memorial of sundry inhabitants of the county of Yates, praying for the rebuilding of the locks on the Crooked Lake Canal, was read, and referred to the committee on canals.

The petition of sundry inhabitants of the county of Ontario, praying for the passage of a law to prevent canal navigation on the Sabbath, was read, and referred to the committee on canals.

The remonstrance of the officers and managers of the Albany Bible Society, against the incorporation of the American and Foreign Bible Society, was read, and referred to the committee on charitable and religious societies.

Five several remonstrances of sundry inhabitants of the county of Albany, against the incorporation of the American and Foreign Bible Society, were read, and referred to the committee on charitable and religious societies.

The petition of the president and directors of the western branch of the Schoharie Turnpike Road, praying for the passage of a law authorising said company to remove a toll-gate on their road, was read, and referred to the committee on roads and bridges.

The remonstrance of sundry inhabitants of the county of Erie, against extending the charter for a toll-bridge across the Eighteen-mile creek, was read, and referred to the committee on roads and bridges.

The memorial of the trustees of the American Institute in the city of New-York, praying for aid in establishing an agricultural college and experimental farm within or near the said city, was read, and referred to the committee on agriculture.

Mr. S. A. Brown, from the committee on the petitions of aliens, to which was referred the petition of Sarah Coombs, praying for a release of certain lands escheated to the State, reported in writing, and asked leave to bring in a bill.

[*See Document No. 47.*]

Leave being granted, Mr. S. A. Brown accordingly brought in the said bill, entitled "An act for the relief of Sarah Coombs, widow of John Coombs;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Hervey, from the majority of the committee on charitable and religious societies, to which was referred sundry petitions asking for the incorporation of the American and Foreign Bible Society, reported in writing, and asked leave to bring in a bill.

[*See Document No. 38.*]

Leave being granted, Mr. Hervey accordingly brought in the said bill, entitled "An act to incorporate the American and Foreign Bible Society;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Garretson, from the minority of the committee on charitable and religious societies, to which was referred sundry petitions asking for the incorporation of the American and Foreign Bible Society, asked for and obtained leave to submit a report in writing.

[*See Document No. 39.*]

*Ordered,* That the said report be laid on the table.

Mr. Dickson, from the committee on the petitions of aliens, to which was referred the petition of Joseph A. Holmes, praying for relief, reported favorably to the prayer of the petitioner, and asked leave to bring in a bill.

Leave being granted, Mr. Dickson accordingly brought in the said bill, entitled "An act to amend an act entitled 'An act to confirm the title of certain lands conveyed to Richard Richardson, an alien,' passed



April 18th, 1843 ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Tefft, from the committee on claims, to which was referred the petition of Samuel Hart and William Candee, reported, and offered the following resolution, to wit :

*Resolved*, That the committee on claims be discharged from the further consideration of the petition of Samuel Hart and William Candee, and that the same be referred to the Canal Board.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Ross, from the committee on the incorporation of cities and villages, to which was referred the petition of the trustees of the village of Cazenovia, praying for an amendment of the charter of the said village, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Ross accordingly brought in the said bill, entitled "An act to amend the charter of the village of Cazenovia ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. A. H. Buell, from the committee on banks and insurance companies, to which was referred the petition of the Firemen's Insurance Company in the city of New-York, praying for an amendment of their charter, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. A. H. Buell accordingly brought in the said bill, entitled "An act to amend an act entitled 'An act to incorporate the Firemen's Insurance Company of the city of New-York ;'" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the petition of sundry inhabitants of the town of Pine Plains in the county of Dutchess, relative to the distinction between town and county poor, reported unfavorably to the prayer of the petitioners, and offered the following resolution, to wit :

*Resolved*, That the committee be discharged from the further consideration of the said petition.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Van Valkenburgh, from the select committee to which was referred the bill entitled "An act to amend the charter of the village of Bath, Steuben county," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Harris, from the select committee consisting of the members attending this house from the county of Albany, to which was referred the bill entitled "An act to extend the docks in the city of Albany, south of Hamilton-street," reported, that the committee had examined the

said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

A communication from the Hon. Daniel S. Dickinson was received and read, in the words following, to wit :

*Washington, January 25, 1845.*

SIR,

I am favored with official notice of my election by the Legislature of New-York, as Senator in Congress, until the fourth of March next, in the place of Nathaniel P. Tallmadge, resigned. I desire to convey through you, to the body over which you preside, my acceptance of the station, and my high appreciation of the honor conferred.

I have the honor to be,

With great respect,

Your obedient servant,

D. S. DICKINSON.

The Hon. HORATIO SEYMOUR, *Speaker of the Assembly.*

The eleventh annual report of the Bowery Savings Bank in the city of New-York, was received, read, and ordered to be printed and laid on the table.

On motion of Mr. D. Lee,

*Resolved*, That the remonstrances, petitions and other papers relating to the continuance of a toll-bridge across Eighteen-mile creek, be taken from the files of the house, and referred to the committee on roads and bridges.

Mr. Jarvis gave notice that he would, on some future day, introduce a bill to amend the act entitled "An act to reduce the several laws relating particularly to the city of New-York, into one act."

On motion of Mr. Garretson,

*Resolved*, That five times the usual number of the minority and majority reports of the standing committee on charitable and religious societies, be printed.

On motion of Mr. T. R. Lee,

The House then proceeded to the consideration of the resolution heretofore offered by him, in the words following, to wit :

*Resolved*, (if the Honorable Senate concur,) That the two Houses will adjourn, *sine die*, on the thirty-first day of March next.

Mr. Morrison moved to lay the said resolution on the table.

Mr. Speaker put the question whether the House would agree to the said motion, and it was determined in the affirmative.

Mr. Collins offered for the consideration of the House a preamble and two several resolutions, in the words following, to wit :

WHEREAS the House of Representatives in Congress has recently passed a concurrent resolution providing for the admission of Texas into the Union as one of the States thereof, and providing that new States may be hereafter formed out of the first State of Texas, and that all of the said States lying south of thirty-six degrees and three minutes of

north latitude shall be admitted into the Union with or without slavery as the said States may elect : And whereas the said resolution is soon to receive the action of the Senate of the United States :

Therefore,

*Resolved*, (if the Senate concur,) That the Senators in Congress from this State be instructed to vote against the said resolution so as aforesaid recently adopted by the said House of Representatives.

*Resolved*, (if the Senate concur,) That the Senators in Congress from this State be instructed to vote against any law, resolution or treaty, having for its object the admission into or incorporation with this Union of the territory of Texas, without making the perpetual prohibition of slavery in the said territory, and in every state to be formed out of it, the indispensable condition of such admission.

*Ordered*, That the said resolutions be laid on the table.

In pursuance of previous notice, Mr. Jones asked for and obtained leave to bring in a bill, entitled "An act relative to records and proceedings of courts and public officers kept in books ;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

Mr. Bowen gave notice that he would, at some future day, ask leave to introduce a bill altering the charter of the village of Lockport in the county of Niagara.

Mr. Niven gave notice that he would, at a future day, ask leave to introduce a bill, requiring the terms of the Court for the Correction of Errors, the Court of Chancery, and the Supreme Court, to be held at the Capitol in the city of Albany.

On motion of Mr. Dayton,

*Resolved*, That the papers on the journals of this house, relative to making the oleometer the test of crude oil, be taken therefrom, and referred to the committee on trade and manufactures.

In pursuance of previous notice, Mr. Frisbee asked for and obtained leave to bring in a bill, entitled "An act to compensate district school librarians ;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on colleges, academies and common schools.

In pursuance of previous notice, Mr. Brower asked for and obtained leave to bring in a bill, entitled "An act to amend an act entitled 'An act to enlarge the powers of boards of supervisors,' passed April 18th, 1838 ;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the internal affairs of towns and counties.

Mr. Morrison gave notice that he would, at an early day, ask leave to introduce a bill for the registration of voters in the city and county of New-York.

In pursuance of previous notice, Mr. Morrison asked for and obtained leave to bring in a bill, entitled "An act to extend the jurisdiction of the circuit judge of the first circuit, in hearing non-enumerated motions ;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.



The House then proceeded to the consideration of the resolution heretofore offered by Mr. Mann, in the words following, to wit :

*Resolved*, That the committee on the judiciary be instructed to report a bill to amend the act entitled "An act to extend the exemption of household furniture and working tools from distress for rent and sale under execution," passed April 11th, 1842, so as particularly to designate the several articles of property to be exempted from distress and sale by virtue of said act.

Mr. Mann amended the said resolution, by inserting, after the words "be instructed to," the words "inquire into the expediency of;" and substituting the word "reporting" for the word "report," after such insertion.

Mr. Speaker then put the question whether the House would agree to the said resolution, as amended, and it was determined in the affirmative.

Mr. Bloss offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the representatives in Congress from this State, who voted against the admission of Texas into the Union, well deserve the unqualified approbation of this Legislature and of the People of this State.

*Ordered*, That the said resolution be laid on the table.

Mr. T. R. Lee moved that the House do now resolve itself into a committee of the whole on the annual message of the Governor.

Mr. Speaker put the question whether the House would agree to the said motion, and it was determined in the negative.

The House then resolved itself into a committee of the whole, on the bill entitled "An act to discontinue Eleventh-street in the city of New-York, between Broadway and the Bowery;" and the bill entitled "An act to amend the act entitled 'An act to increase the revenues of the State, by extending the markets for salt, coal and lead,' passed April 18th, 1843;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Niven, from the said committee, reported, that the committee had gone through the bill entitled "An act to discontinue Eleventh-street in the city of New-York, between Broadway and the Bowery," and agreed to the same without amendment; which report was agreed to by the house.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Niven, from the same committee, reported progress on the bill entitled "An act to amend the act entitled 'An act to increase the revenues of the State, by extending the market for salt, coal and lead,' passed April 18, 1843," and asked for and obtained leave to sit again.

The House then resolved itself into a committee of the whole, on the bill entitled "An act to incorporate the Wandowenock, fire, hook and ladder company;" and the bill entitled "An act authorising the surveyor general to lease a certain lot of land belonging to the State, in the St. Regis reservation;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Constant, from the said committee, reported, that the committee had gone through the bill entitled "An act to incorporate the Wandowenock, fire, hook and ladder company,"

made sundry amendments thereto, and agreed to the same; which report was agreed to by the house.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Constant, from the same committee, also reported that the committee had gone through the bill entitled "An act authorising the surveyor general to lease a certain lot of land belonging to the State, in the St. Regis reservation," and agreed to the same without amendment; which report was agreed to by the house.

*Ordered*, That the said bill be engrossed for a third reading.

On motion of Mr. Huntington,

The House then adjourned to eleven o'clock to-morrow morning.

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## THURSDAY, JANUARY 30, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Campbell.

The minutes of yesterday were read and approved.

Three several petitions of sundry inhabitants of the county of Orange, praying for the passage of a law to reduce the rate of interest to six per centum, were read, and referred to the committee on the judiciary.

The petition of Robert Price of the city of New-York, praying for the passage of an act to change his name, was read, and referred to the committee on the judiciary.

The petition of the trustees of the St. Regis Indians, praying for the passage of an act restoring to them certain islands in the River St. Lawrence, or granting them an adequate remuneration therefor in money, was read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the county of Allegany, praying for the resumption of the work on the Genesee Valley Canal, was read, and referred to the committee on canals.

The petition of two hundred citizens of the city of Albany, praying for the passage of a law to restore to colored citizens their right of suffrage, was read, and referred to the committee on privileges and elections.

The petition of the board of aldermen of the city of New-York, praying for the passage of a registry law, was read, and referred to the committee on privileges and elections.

The remonstrance of Samuel Steele and other teachers of the county of Albany, against abolishing the office of county superintendent of common schools, was read, and referred to the committee on colleges, academies and common schools.

The petition of sundry inhabitants of the county of Genesee, praying for the incorporation of the Genesee and Wyoming Seminary, was read, and referred to the committee on colleges, academies and common schools.

The petition of the trustees of Lewiston Academy, praying for the passage of a law for the equal distribution of the Literature fund, was read, and referred to the committee on colleges, academies and common schools.

The petition of sundry inhabitants of the counties of Erie and Niagara, praying for the passage of a law to authorise those counties to raise money to build a bridge across the Tonawanda creek, and also to enable said counties to enforce the provisions of the charter for a toll-bridge over said creek, was read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the county of Fulton, praying for an amendment of the act laying out a road from Newkirk's mills to Piseco village, was read, and referred to the committee on roads and bridges.

Three several remonstrances of sundry inhabitants of the county of Erie, against extending the charter for a toll-bridge across the Eighteen-mile creek in said county, were read, and referred to the committee on roads and bridges.

Two several remonstrances of sundry inhabitants of the county of Chautauque, against a toll-bridge over Eighteen-mile creek, were read, and referred to the committee on roads and bridges.

Two several petitions of sundry inhabitants of the counties of Fulton and Herkimer, praying that the Mohawk turnpike may be taken from the Utica and Schenectady Railroad Company, and made a free road, were read, and referred to the committee on railroads.

The petition of sundry inhabitants of the county of Steuben, praying for an alteration of the route of the road of the New-York and Erie Railroad Company, so that a portion of the same may pass within the territory of the State of Pennsylvania, was read, and referred to the committee on railroads.

Five several petitions of sundry inhabitants of the counties of Chenango and Delaware, praying for the erection of a new county from parts of the counties of Otsego, Chenango, Delaware and Broome, to be called the county of Wright, with the seat of justice at Bainbridge, were read, and referred to the committee on the erection and division of towns and counties.

Five several petitions of sundry inhabitants of the counties of Otsego and Delaware, praying for the erection of a new county from parts of the counties of Otsego, Chenango and Delaware, with the seat of justice at Unadilla, were read, and referred to the committee on the erection and division of towns and counties.

Four several petitions of sundry inhabitants of the counties of Cayuga, Essex, Schoharie and Onondaga, praying for the passage of a law submitting to the people the question of granting licenses, were read, and referred to the select committee on that subject.

The petition of sundry inhabitants of the manor of Rensselaerwyck, praying for relief, was read, and referred to the select committee on the anti-rent difficulties.

The remonstrance of sundry inhabitants of the county of Albany, against the annexation of Texas, was read, and referred to the select committee on that subject.



Three several petitions of sundry inhabitants of the county of Schenectady, praying for such an alteration of the Constitution as to permit colored citizens to vote without the property qualification, were read, and referred to the select committee on constitutional amendments.

Six several petitions of sundry inhabitants of the counties of Erie, Saratoga, Oswego, Chautauque and Madison, praying for the passage of a law to suppress licentiousness, were read, and referred to the committee of the whole when on the bill upon that subject.

Four several petitions of sundry inhabitants of the counties of Columbia, New-York, Madison and Chautauque, praying for the incorporation of the American and Foreign Bible Society, were read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of sundry inhabitants of the city of New-York, against the incorporation of the American and Foreign Bible Society, was read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the counties of Oswego and Onondaga, praying for the renewal of the charter of the Oswego and Syracuse Railroad Company, was read, and referred to the committee of the whole when on the bill upon that subject.

Five several petitions of sundry inhabitants of the town of Cherry-valley in the county of Otsego, praying for a division of the said town, were read, and referred to the committee on the erection and division of towns and counties.

Eight several remonstrances of sundry inhabitants of the town of Cherry-valley, against the division of said town, were read, and referred to the committee on the erection and division of towns and counties.

Mr. Bailey, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act authorising the surveyor general to lease a certain lot of land belonging to the State, in the St. Regis reservation;" the bill entitled "An act to incorporate the Wandowenock, fire, hook and ladder company;" and the bill entitled "An act to discontinue Eleventh-street in the city of New-York, between Broadway and the Bowery," and found the same severally correctly engrossed.

*Ordered*, That the said bills do have their third reading.

Mr. L. H. Brown, from the committee on colleges, academies and common schools, to which was referred the bill entitled "An act for the more equal distribution of the Literature fund," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the petition of the supervisors of the county of Saratoga, relative to the boundaries of the town of Ballston in said county, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Chase accordingly brought in the said bill,

entitled "An act for the better defining the limits and boundaries of the town of Ballston;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the petition of Ezra Perry of the county of Suffolk, praying for a bill of divorce, reported unfavorably to the prayer of the petitioner, and offered the following resolution, to wit :

*Resolved*, That the committee on the judiciary be discharged from the further consideration of the petition of Ezra Perry.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Thompson, from the committee on charitable and religious societies, to which was referred the petition of the Ancient Bretons' Benefit Society of the city of Utica, praying for a renewal of their charter, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Thompson accordingly brought in the said bill, entitled "An act further to amend the act incorporating the Ancient Bretons' Benefit Society of the city of Utica;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Sears, from the committee on canals, to which was referred the petition of William Coleman, praying for relief, reported favorably to the prayer of the petitioner, and asked leave to bring in a bill.

Leave being granted, Mr. Sears accordingly brought in the said bill, entitled "An act for the relief of William Coleman, Abiel West and Joseph Taylor;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. A. H. Buell, from the committee on banks and insurance companies, to which was referred the petition of the Trust Fire Insurance Company in the city of New-York, praying for relief, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. A. H. Buell accordingly brought in the said bill, entitled "An act for the relief of the Trust Fire Insurance Company in the city of New-York;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Tefft, from the committee on claims, to which was referred the petition of Abiel Payne, praying for relief, reported favorably to the prayer of the petitioner, and asked leave to bring in a bill.

Leave being granted, Mr. Tefft accordingly brought in the said bill, entitled "An act for the relief of Abiel Payne;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Tefft, from the committee on claims, to which was referred the petition of John Lafay and Julius W. Clemons, praying compensation for materials furnished for building a bridge across the Genesee Valley Canal, reported, and offered the following resolution, to wit :

*Resolved*, That the committee on claims be discharged from the further consideration of the petition of John Lafay and Julius W. Clemons, and that the same be referred to the Canal Board.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Boughton, from the committee on grievances, to which was referred the petition of Joseph Demont and others, praying for relief, reported, and offered the following resolution, to wit :

*Resolved*, That the committee on grievances be discharged from the further consideration of the petition of Joseph Demont and others, and that the same be referred to the Canal Appraisers.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Frisbee, from the select committee to which was referred the several remonstrances against the annexation of Texas to the Union, asked leave to submit a report on behalf of two members of the said committee.

Mr. Speaker stated the question to be whether the House would grant the leave asked.

Debates were had thereon ; when

Mr. Russell moved the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Thereupon,

Mr. Speaker put the question whether the House would agree to grant the leave asked by Mr. Frisbee, and it was determined in the negative.

{ AYES 54 }  
{ NAYS 64 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Barber       | Mr. Frisbee    | Mr. Mersereau       |
| Mr. Betts        | Mr. Garretson  | Mr. Morrison        |
| Mr. Bloss        | Mr. Giffard    | Mr. Moulton         |
| Mr. Bowen        | Mr. G. Goold   | Mr. Oakley          |
| Mr. S. A. Brown  | Mr. Hammond    | Mr. Raymond         |
| Mr. A. H. Buel   | Mr. Hannum     | Mr. Rice            |
| Mr. T. Buel      | Mr. Harris     | Mr. Ross            |
| Mr. Bush         | Mr. Heermans   | Mr. Sweeney         |
| Mr. Casner       | Mr. Horton     | Mr. Tibbitts        |
| Mr. Coe          | Mr. Hunt       | Mr. Van Schoonhoven |
| Mr. Collins      | Mr. Huntington | Mr. Wells           |
| Mr. C. F. Crosby | Mr. Jarvis     | Mr. Wheeler         |
| Mr. E. Crosby    | Mr. Johnson    | Mr. White           |
| Mr. Culver       | Mr. D. Lee     | Mr. Wilcox          |



|             |                |                 |    |
|-------------|----------------|-----------------|----|
| Mr. De Puy  | Mr. Litchfield | Mr. Worden      |    |
| Mr. Dewey   | Mr. Long       | Mr. Winant      |    |
| Mr. Edwards | Mr. M'Vean     | Mr. A. W. Young |    |
| Mr. Field   | Mr. Mann       | Mr. J. Young    | 54 |

Those who voted in the negative are

|                 |                  |                     |    |
|-----------------|------------------|---------------------|----|
| Mr. Bachman     | Mr. D. Gould     | Mr. Pierce          |    |
| Mr. Bagg        | Mr. Gregory      | Mr. Porter          |    |
| Mr. Bailey      | Mr. Hall         | Mr. Preston         |    |
| Mr. Bevins      | Mr. Harden       | Mr. Rogers          |    |
| Mr. Boughton    | Mr. Hazelton     | Mr. Russell         |    |
| Mr. J. Brooks   | Mr. Hervey       | Mr. Sager           |    |
| Mr. M. Brooks   | Mr. Hine         | Mr. Salisbury       |    |
| Mr. Brower      | Mr. Howard       | Mr. Searing         |    |
| Mr. L. H. Brown | Mr. Jones        | Mr. Sears           |    |
| Mr. Bunker      | Mr. Kinne        | Mr. Skelton         |    |
| Mr. Burdick     | Mr. Knapp        | Mr. A. C. Smith     |    |
| Mr. Cameron     | Mr. T. R. Lee    | Mr. W. Smith        |    |
| Mr. Carpenter   | Mr. M'Carthy     | Mr. Speaker         |    |
| Mr. Chase       | Mr. M'Donald     | Mr. R. L. Stevenson |    |
| Mr. Comstock    | Mr. M'Key        | Mr. Strobridge      |    |
| Mr. Constant    | Mr. C. B. Miller | Mr. Tefft           |    |
| Mr. Crain       | Mr. S. Miller    | Mr. Thayer          |    |
| Mr. Danforth    | Mr. Morris       | Mr. Titus           |    |
| Mr. Dayton      | Mr. Newkirk      | Mr. Tuthill         |    |
| Mr. Dickson     | Mr. Niven        | Mr. Van Valkenburgh |    |
| Mr. Fellows     | Mr. Pardee       | Mr. Whitney         |    |
| Mr. Fonda       |                  |                     | 64 |

Mr. Edwards, from the select committee to which was referred the engrossed bill from the Senate, entitled "An act in relation to the court of common pleas and general sessions of the county of Saratoga," with instructions to report the same complete, reported, that the committee had gone through the said bill, and made sundry amendments thereto; and that they saw no reason why the said bill, as amended, should not be passed into a law.

*Ordered*, That the said amendments be engrossed, and the bill have its third reading.

The bill entitled "An act to amend the thirty-fifth section of chapter ninth, title third, article first, of the Revised Statutes, relating to writs of error and appeals," was received from the Senate, with a message, requesting the concurrence of the Assembly in the same.

The said bill was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

The engrossed bill entitled "An act authorising the surveyor general to lease a certain lot of land belonging to the State of New-York, in the St. Regis reservation," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to discontinue Eleventh-street in the city of New-York, between Broadway and the Bowery," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 109 }  
{ NAYS 02 }

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. D. Gould     | Mr. Niven           |
| Mr. Bagg         | Mr. G. Goold     | Mr. Oakley          |
| Mr. Bailey       | Mr. Gregory      | Mr. Pardee          |
| Mr. Barber       | Mr. Hall         | Mr. Pierce          |
| Mr. Betts        | Mr. Hammond      | Mr. Porter          |
| Mr. Bloss        | Mr. Hannum       | Mr. Preston         |
| Mr. Boughton     | Mr. Harden       | Mr. Raymond         |
| Mr. Bowen        | Mr. Harris       | Mr. Rice            |
| Mr. J. Brooks    | Mr. Hazelton     | Mr. Rogers          |
| Mr. Brower       | Mr. Heermans     | Mr. Ross            |
| Mr. L. H. Brown  | Mr. Hervey       | Mr. Russell         |
| Mr. S. A. Brown  | Mr. Hine         | Mr. Sager           |
| Mr. Burdick      | Mr. Horton       | Mr. Salisbury       |
| Mr. Bush         | Mr. Howard       | Mr. Searing         |
| Mr. Cameron      | Mr. Hunt         | Mr. Sears           |
| Mr. Carpenter    | Mr. Huntington   | Mr. A. C. Smith     |
| Mr. Casner       | Mr. Jarvis       | Mr. W. Smith        |
| Mr. Chase        | Mr. Johnson      | Mr. Speaker         |
| Mr. Coe          | Mr. Jones        | Mr. R. L. Stevenson |
| Mr. Collins      | Mr. Kinne        | Mr. Strobridge      |
| Mr. Comstock     | Mr. Knapp        | Mr. Sweeney         |
| Mr. Constant     | Mr. D. Lee       | Mr. Thayer          |
| Mr. Crain        | Mr. T. R. Lee    | Mr. Tibbitts        |
| Mr. C. F. Crosby | Mr. Long         | Mr. Titus           |
| Mr. E. Crosby    | Mr. M'Carthy     | Mr. Tuthill         |
| Mr. Culver       | Mr. M'Donald     | Mr. Van Schoonhoven |
| Mr. Danforth     | Mr. M'Key        | Mr. Van Valkenburgh |
| Mr. Dayton       | Mr. Mann         | Mr. Wells           |
| Mr. De Puy       | Mr. Mather       | Mr. Wheeler         |
| Mr. Dewey        | Mr. Mersereau    | Mr. White           |
| Mr. Dickson      | Mr. C. B. Miller | Mr. Whitney         |
| Mr. Edwards      | Mr. S. Miller    | Mr. Wilcox          |
| Mr. Fellows      | Mr. Morris       | Mr. Worden          |
| Mr. Field        | Mr. Morrison     | Mr. Winant          |
| Mr. Fonda        | Mr. Moulton      | Mr. A. W. Young     |
| Mr. Garretson    | Mr. Newkirk      | Mr. J. Young        |
| Mr. Giffard      |                  |                     |

Those who voted in the negative are

Mr. M. Brooks

Mr. A. H. Buell

2

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to incorporate the Wandowenock, fire, hook and ladder company," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 109 }  
{ NAYS 00 }

Those who voted in the affirmative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Bachman      | Mr. Frisbee    | Mr. Moulton         |
| Mr. Bagg         | Mr. Garretson  | Mr. Newkirk         |
| Mr. Bailey       | Mr. Giffard    | Mr. Niven           |
| Mr. Barber       | Mr. D. Gould   | Mr. Oakley          |
| Mr. Betts        | Mr. G. Gould   | Mr. Pardee          |
| Mr. Bloss        | Mr. Gregory    | Mr. Pierce          |
| Mr. Boughton     | Mr. Hall       | Mr. Porter          |
| Mr. Bowen        | Mr. Hammond    | Mr. Preston         |
| Mr. J. Brooks    | Mr. Hannum     | Mr. Raymond         |
| Mr. M. Brooks    | Mr. Harden     | Mr. Rice            |
| Mr. Brower       | Mr. Harris     | Mr. Rogers          |
| Mr. L. H. Brown  | Mr. Hazelton   | Mr. Russell         |
| Mr. S. A. Brown  | Mr. Heermans   | Mr. Sager           |
| Mr. A. H. Buel   | Mr. Hervey     | Mr. Salisbury       |
| Mr. Bunker       | Mr. Hine       | Mr. Searing         |
| Mr. Burdick      | Mr. Horton     | Mr. Sears           |
| Mr. Bush         | Mr. Howard     | Mr. A. C. Smith     |
| Mr. Cameron      | Mr. Huntington | Mr. W. Smith        |
| Mr. Carpenter    | Mr. Jarvis     | Mr. R. L. Stevenson |
| Mr. Casner       | Mr. Johnson    | Mr. Strobbridge     |
| Mr. Chase        | Mr. Jones      | Mr. Sweeney         |
| Mr. Coe          | Mr. Kinne      | Mr. Tefft           |
| Mr. Collins      | Mr. D. Lee     | Mr. Thayer          |
| Mr. Comstock     | Mr. T. R. Lee  | Mr. Tibbetts        |
| Mr. Constant     | Mr. Litchfield | Mr. Titus           |
| Mr. Crain        | Mr. Long       | Mr. Tuthill         |
| Mr. C. F. Crosby | Mr. M'Carthy   | Mr. Van Schoonhoven |
| Mr. E. Crosby    | Mr. M'Donald   | Mr. Van Valkenburgh |
| Mr. Culver       | Mr. M'Key      | Mr. Walrath         |
| Mr. Danforth     | Mr. Mann       | Mr. Wells           |
| Mr. Dayton       | Mr. Mather     | Mr. Wheeler         |
| Mr. De Puy       | Mr. Mersereau  | Mr. White           |



Mr. Dewey  
Mr. Dickson  
Mr. Edwards  
Mr. Fellows  
Mr. Fonda

Mr. C. B. Miller  
Mr. S. Miller  
Mr. Morris  
Mr. Morrison

Mr. Whitney  
Mr. Worden  
Mr. Wynant  
Mr. J. Young

109

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

On motion of Mr. Collins,

The House then proceeded to the consideration of the resolutions offered by him yesterday, in the words following, to wit :

WHEREAS the House of Representatives in Congress has recently passed a concurrent resolution providing for the admission of Texas into the Union as one of the States thereof, and providing that new States may be hereafter formed out of the first State of Texas, and that all of the said States lying south of thirty-six degrees and three minutes of north latitude shall be admitted into the Union with or without slavery as the said States may elect : And whereas the said resolution is soon to receive the action of the Senate of the United States :

Therefore,

*Resolved*, (if the Senate concur,) That the Senators in Congress from this State be instructed to vote against the said resolution so as aforesaid recently adopted by the said House of Representatives.

*Resolved*, (if the Senate concur,) That the Senators in Congress from this State be instructed to vote against any law, resolution or treaty, having for its object the admission into or incorporation with this Union of the territory of Texas, without making the perpetual prohibition of slavery in the said territory, and in every state to be formed out of it, the indispensable condition of such admission.

Mr. T. R. Lee moved to lay the said resolutions on the table.

Mr. Speaker put the question whether the House would agree to the said motion, and it was determined in the affirmative.

} AYES 65 }  
} NAYS 51 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

Mr. Bachman  
Mr. Bagg  
Mr. Bailey  
Mr. Boughton  
Mr. J. Brooks  
Mr. M. Brooks  
Mr. Brower  
Mr. L. H. Brown  
Mr. Bunker  
Mr. Burdick

Mr. Gregory  
Mr. Hall  
Mr. Harden  
Mr. Hazelton  
Mr. Hervey  
Mr. Hine  
Mr. Howard  
Mr. Jones  
Mr. Kinne  
Mr. Knapp

Mr. Porter  
Mr. Preston  
Mr. Rogers  
Mr. Russell  
Mr. Sager  
Mr. Salisbury  
Mr. Searing  
Mr. Sears  
Mr. Skelton  
Mr. A. C. Smith

|               |                  |                     |
|---------------|------------------|---------------------|
| Mr. Cameron   | Mr. T. R. Lee    | Mr. W. Smith        |
| Mr. Carpenter | Mr. M'Carthy     | Mr. Speaker         |
| Mr. Chase     | Mr. M'Donald     | Mr. R. L. Stevenson |
| Mr. Comstock  | Mr. M'Key        | Mr. Strobbridge     |
| Mr. Constant  | Mr. Mersereau    | Mr. Tefft           |
| Mr. Crain     | Mr. C. B. Miller | Mr. Thayer          |
| Mr. Danforth  | Mr. S. Miller    | Mr. Titus           |
| Mr. Dayton    | Mr. Morris       | Mr. Tnhill          |
| Mr. Dickson   | Mr. Newkirk      | Mr. Van Valkenburgh |
| Mr. Fellows   | Mr. Niven        | Mr. Walrath         |
| Mr. Fonda     | Mr. Pardee       | Mr. Whitney         |
| Mr. D. Gould  | Mr. Pierce       |                     |

65

Those who voted in the negative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Barber       | Mr. Frisbee    | Mr. Mather          |
| Mr. Betts        | Mr. Garretson  | Mr. Morrison        |
| Mr. Bloss        | Mr. Giffard    | Mr. Moulton         |
| Mr. Bowen        | Mr. G. Goold   | Mr. Oakley          |
| Mr. S. A. Brown  | Mr. Hammond    | Mr. Raymond         |
| Mr. T. Buel      | Mr. Hannum     | Mr. Rice            |
| Mr. Bush         | Mr. Harris     | Mr. Ross            |
| Mr. Casner       | Mr. Heermans   | Mr. Sweeney         |
| Mr. Coe          | Mr. Horton     | Mr. Tibbits         |
| Mr. Collins      | Mr. Hunt       | Mr. Van Schoonhoven |
| Mr. C. F. Crosby | Mr. Huntington | Mr. Wells           |
| Mr. E. Crosby    | Mr. Jarvis     | Mr. Wheeler         |
| Mr. Culver       | Mr. Johnson    | Mr. White           |
| Mr. De Puy       | Mr. D. Lee     | Mr. Worden          |
| Mr. Dewey        | Mr. Litchfield | Mr. Winant          |
| Mr. Edwards      | Mr. Long       | Mr. A. W. Young     |
| Mr. Field        | Mr. Mann       | Mr. J. Young        |

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The House then proceeded to the consideration of the resolution heretofore offered by Mr. Bloss, in the words following, to wit :

*Resolved*, That the representatives in Congress from this State, who voted against the admission of Texas into the Union, well deserve the unqualified approbation of this Legislature and of the People of this State.

Mr. Bailey moved to lay the said resolution on the table.

Mr. Oakley moved that the House do now adjourn.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Oakley, and it was determined in the affirmative.

The House then adjourned to eleven o'clock to-morrow morning.

## FRIDAY, JANUARY 31, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Fisher.

The minutes of yesterday were read and approved.

Three several petitions of sundry inhabitants of the counties of Dutchess, Essex, Clinton and Chemung, praying for the repeal of the law passed at the last session, respecting costs of legal proceedings, were read, and referred to the committee on the judiciary.

The petition of the Washington Volunteer Fire Company of the city of Troy, praying for an increase of the number of its members, was read, and referred to the committee on the incorporation of cities and villages.

The petition of sundry inhabitants of the village of Salina in the county of Onondaga, praying for an amendment of the charter of said village, was read, and referred to the committee on the incorporation of cities and villages.

The petition of sundry mechanics and other citizens of the county of Richmond, praying for the passage of a law extending the benefits of the lien law of the city of New-York to the county of Richmond, was read, and referred to the committee on the judiciary.

The petition of Thomas P. Danforth, on behalf of the western branch of the Schoharie Turnpike Road, praying for the appointment of a committee to visit their road, and report to this House, was read.

Mr. Tibbits moved to refer the said petition to the committee on roads and bridges.

Mr. D. Lee moved that the said committee be authorised to visit the said road; which amendment was accepted by Mr. Tibbits.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Tibbits, and it was determined in the affirmative.

The petition of James W. Matthews and others, praying that that part of the Hudson river known as Trout brook may be declared a public highway, was read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the county of Herkimer, praying for the passage of a law declaring the Mohawk turnpike a public highway, was read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the vicinity of the Genesee Valley Canal, praying for the resumption of work on said canal, was read, and referred to the committee on canals.

Two several remonstrances of sundry inhabitants of the county of Chenango, against any alteration or division of said county, were read, and referred to the committee on the erection and division of towns and counties.

Three several petitions of sundry inhabitants of the county of Otsego, praying for the passage of a law to submit the question of license or no license to the people, were read, and referred to the select committee on that subject.



The petition of sundry inhabitants of the county of Albany, praying for an extension of the right of suffrage to colored citizens, was read, and referred to the select committee on constitutional amendments.

The petition of sundry inhabitants of the manor of Rensselaerwyck, praying for relief, was read, and referred to a select committee.

Three several petitions of the trustees of the Maysville and Champlain Academies and the Gouverneur Wesleyan Seminary, praying for a more equal distribution of the Literature fund, were read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the counties of Oswego and Onondaga, praying for the renewal of the Syracuse and Oswego railroad charter, was read, and referred to the committee of the whole when on the bill upon that subject.

Six several petitions of sundry inhabitants of the counties of Niagara, Madison, Kings, Oneida and New-York, praying for the passage of a penal law to suppress licentiousness, were read, and referred to the committee of the whole when on the bill upon that subject.

Nine several petitions of sundry inhabitants of the counties of Oneida, St. Lawrence, Chemung, Warren, Herkimer, Essex, Albany, Allegany and Chautauque, praying for the incorporation of the American and Foreign Bible Society, were read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of sundry inhabitants of the county of Albany, against the incorporation of the American and Foreign Bible Society, was read, and referred to the committee of the whole when on the bill upon that subject.

The Annual Report of the Managers of the New-York State Lunatic Asylum, for the year ending November 30th, 1844, was received and read.

On motion of Mr. Van Valkenburgh,

*Ordered*, That ten times the usual number of copies of said report be printed for the use of the Legislature, and seven hundred and fifty additional copies for the use of the officers of said institution.

[See Document No. 29.]

The engrossed bill from the Senate, entitled "An act in relation to the courts of common pleas and general sessions of the county of Saratoga," with the engrossed amendments, was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill and amendments, and it was determined in the affirmative.

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same with the amendments thereto therewith delivered.

In pursuance of previous notice, Mr. Morrison asked for and obtained leave to bring in a bill, entitled "An act for ascertaining by proper proofs the persons entitled to the right of suffrage in the city and county of New-York;" which was read the first time, and by unanimous consent was also read a second time.

Mr. Morrison moved to refer the said bill to a select committee, consisting of the members attending this house from the city and county of New-York.

Mr. Russell moved to refer the same to the committee on privileges and elections.

Debates were thereupon had, and continued until the hour of twelve o'clock; when, in pursuance of the special order of a preceding day,

The House resolved itself into a committee of the whole, on the resolutions reported by the select committee on the amendments to the Constitution; which said resolutions are in the words following, to wit:

WHEREAS at the last session of the Legislature, the following amendment was proposed to the Constitution of this State :

Two additional justices of the supreme court shall be appointed, who shall have the same powers, be appointed in the same manner, hold their offices by the same tenure, and be subject to the same disqualifications as to holding any other office or trust, or receiving votes for any elective office, as the other justices of that court :

AND WHEREAS the said proposed amendment was, at the said last session, agreed to by a majority of the members elected to each of the two houses, and was entered on their journals with the yeas and nays thereon, and was referred to the Legislature then next to be chosen, and has been published for three months previous to the time of making the choice of the members of the present Legislature :

Therefore,

*Resolved*, That the Assembly do agree to the said proposed amendment.

WHEREAS at the last session of the Legislature, the following amendment was proposed to the Constitution of this State :

The court of chancery shall consist of the chancellor and three associate chancellors, any of whom may hold the court. The said associate chancellors shall have the same powers, be appointed in the same manner, hold their offices by the same tenure, and be subject to the same disqualifications as to holding any other office or public trust, or receiving votes for any elective office, as the chancellor :

AND WHEREAS the said proposed amendment was, at the said last session, agreed to by a majority of the members elected to each of the two houses, and was entered on their journals with the yeas and nays taken thereon, and was referred to the Legislature then next to be chosen, and has been published for three months previous to the time of making the choice of the members of the present Legislature :

Therefore,

*Resolved*, That the Assembly do agree to the said proposed amendment.

WHEREAS at the last session of the Legislature, the following amendment was proposed to the Constitution of this State :

No property qualification shall be required to render a person eligible to, or capable of holding any office or public trust in this State :

AND WHEREAS the said proposed amendment was, at the said last

session, agreed to by a majority of the members elected to each of the two houses, and was entered on their journals with the yeas and nays taken thereon, and was referred to the Legislature then next to be chosen, and has been published for three months previous to the time of making the choice of the members of the present Legislature :

Therefore,

*Resolved*, That the Assembly do agree to the said proposed amendment.

WHEREAS at the last session of the Legislature, the following amendment was proposed to the Constitution of this State :

No judicial officer shall be removed by the joint resolution of the two houses of the legislature, or by the senate on the recommendation of the governor, unless the cause of such removal shall be entered on the journal of both houses, or of the senate, as the case may be ; and such officer against whom the legislature or the senate may be about to proceed, shall be served with notice thereof, accompanied with a copy of the causes alleged for his removal, at least twenty days before the day on which either house shall act thereupon, and shall have an opportunity to be heard in his defence before any question shall be taken upon such removal ; and the yeas and nays shall be entered upon the journals of the senate, or houses, as the case may be.

AND WHEREAS the said proposed amendment was, at the said last session, agreed to by a majority of the members elected to each of the two houses, and was entered on their journals with the yeas and nays taken thereon, and was referred to the Legislature then next to be chosen, and has been published for three months previous to the time of making the choice of the members of the present Legislature :

Therefore,

*Resolved*, That the Assembly do agree to the said proposed amendment.

WHEREAS at the last session of the Legislature, the following amendments were proposed to the Constitution of this State :

#### AMENDMENT No. 1.

The pledges and guarantees of the act entitled "An act to provide for paying the debts and preserving the credit of the State," passed March 29th, 1842, are hereby confirmed ; and the revenues specified therein shall be applied to the purposes therein specified, including the repayment to the United States Deposit Fund, and to the Common School Fund, of all moneys of the said funds which have been or shall be invested in pursuance of the said act, in such equal annual sums as will be sufficient to pay in full, both principal and interest, all the debts and liabilities of this State, as they existed at the time of the passage of the said act ; and also all the debts and liabilities of the State authorised by said act to be created and incurred, and which have been created and incurred by authority of and pursuant to said act, in the period of twenty-two and a half years from the time said act was passed and took effect ; and the legislature shall not divert any part of the revenues



appropriated by said act, requisite to pay in full, both principal and interest, all the debts and liabilities of the State herein before specified, within the fixed period of time, and in the equal annual sums herein before expressed, from the purposes to which they are herein before directed to be applied.

### AMENDMENT No. 2.

The legislature shall not in any manner create any debt or debts, liability or liabilities of the State, direct or contingent, which shall, singly or in the aggregate, at any time exceed one million of dollars, except to repel invasion or suppress insurrection, unless the same shall be authorised by law for some single object or work to be distinctly specified therein ; and such law shall impose and provide for the collection of a direct annual tax sufficient to pay the interest of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within eighteen years from the time of the contracting thereof ; and no such law shall take effect until it shall, at a general election, have been submitted to the people, and have received the sanction of a majority of all the votes cast for and against it at such election ; and on the final passage of every such bill in either house of the legislature, the question shall be taken by ayes and nays, duly entered on the journal, and shall be "Shall this bill pass, and ought the same to receive the sanction of the people ?" And the assent of a majority of the members elected to each house of the legislature shall be requisite to the passage of such bill ; and such law shall be irrepealable, until such debt or liability, and the interest thereon, are fully paid and discharged ; and the moneys arising from any loans or stocks creating such debt or liability, shall be applied to the object or work specified in the act authorising such debt or liability, or for the payment of such debt or liability, and to no other purpose whatever. Where a debt or liability on the part of the State shall be created to repel invasion or suppress insurrection, the moneys arising from the loans or stock creating such debt or liability shall be applied to the purpose for which the same were raised, or for the repayment of such debt or liability, and to no other purpose whatever.

AND WHEREAS the said proposed amendments were, at the said last session, agreed to by a majority of the members elected to each of the two houses, and were entered on their journals with the yeas and nays taken thereon, and were referred to the Legislature then next to be chosen, and have been published for three months previous to the time of making the choice of the members of the present Legislature :

Therefore,

*Resolved*, That the Assembly do agree to the said proposed amendments.

And after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Jones, from the said committee, reported progress, and asked for and obtained leave to sit again.

The bill entitled "An act to amend an act to reduce the number of canal commissioners, and to provide for their election by the people,

passed May 6th, 1844," was received from the Senate, with a message, informing that they had passed the same with the amendment therewith delivered.

The said amendment having been read,

Mr. T. R. Lee moved to amend the amendment of the Senate, by adding the words following :

"And that the salaries of all officers payable out of the treasury or monies of the people of the State of New-York, be, and they hereby are reduced one-fifth, or twenty per cent on the amount of such salaries respectively."

Mr. Comstock moved the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

{ AYES 76 }  
{ NAYS 35 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Frisbee      | Mr. Newkirk         |
| Mr. Betts        | Mr. Garretson    | Mr. Niven           |
| Mr. Bevins       | Mr. Giffard      | Mr. Pardee          |
| Mr. Bloss        | Mr. G. Goold     | Mr. Pierce          |
| Mr. J. Brooks    | Mr. Gregory      | Mr. Raymond         |
| Mr. M. Brown     | Mr. Hall         | Mr. Rice            |
| Mr. L. H. Brown  | Mr. Hammond      | Mr. Rodgers         |
| Mr. S. A. Brown  | Mr. Hannum       | Mr. Ross            |
| Mr. T. Buel      | Mr. Harris       | Mr. Sager           |
| Mr. Bunker       | Mr. Heermans     | Mr. Salisbury       |
| Mr. Burdick      | Mr. Hervey       | Mr. Sears           |
| Mr. Bush         | Mr. Hine         | Mr. W. Smith        |
| Mr. Casner       | Mr. Howard       | Mr. Speaker         |
| Mr. Coe          | Mr. Hunt         | Mr. R. L. Stevenson |
| Mr. Collins      | Mr. Huntington   | Mr. Sweeney         |
| Mr. Comstock     | Mr. Johnson      | Mr. Thayer          |
| Mr. C. F. Crosby | Mr. Kinne        | Mr. Tibbits         |
| Mr. E. Crosby    | Mr. D. Lee       | Mr. Van Schoonhoven |
| Mr. Culver       | Mr. Long         | Mr. Van Valkenburgh |
| Mr. Danforth     | Mr. M'Vean       | Mr. Walrath         |
| Mr. De Puy       | Mr. Mann         | Mr. White           |
| Mr. Dewey        | Mr. Mather       | Mr. Whitney         |
| Mr. Dickson      | Mr. C. B. Miller | Mr. Wynant          |
| Mr. Edwards      | Mr. Morris       | Mr. A. W. Young     |
| Mr. Field        | Mr. Moulton      | Mr. J. Young        |
| Mr. Fonda        |                  |                     |

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Those who voted in the negative are

|                |               |                 |
|----------------|---------------|-----------------|
| Mr. Bailey     | Mr. D. Gould  | Mr. Morrison    |
| Mr. Barber     | Mr. Harden    | Mr. Oakley      |
| Mr. Boughton   | Mr. Hazelton  | Mr. Porter      |
| Mr. Bowen      | Mr. Horton    | Mr. Preston     |
| Mr. Brower     | Mr. Jarvis    | Mr. Russell     |
| Mr. A. H. Buel | Mr. Jones     | Mr. Searing     |
| Mr. Cameron    | Mr. Knapp     | Mr. Skelton     |
| Mr. Chase      | Mr. T. R. Lee | Mr. A. C. Smith |
| Mr. Constant   | Mr. M'Carthy  | Mr. Tefft       |
| Mr. Crain      | Mr. M'Donald  | Mr. Wells       |
| Mr. Dayton     | Mr. M'Key     | Mr. Wheeler     |
| Mr. Fellows    | Mr. Mersereau |                 |

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Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Thereupon,

Mr. Speaker put the question whether the House would concur with the Senate in their amendment to the said bill, and it was determined in the affirmative.

{ AYES 107 }  
{ NAYS 10 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Bachman     | Mr. Giffard    | Mr. Oakley          |
| Mr. Bagg        | Mr. D. Gould   | Mr. Pardee          |
| Mr. Barber      | Mr. G. Goold   | Mr. Pierce          |
| Mr. Betts       | Mr. Gregory    | Mr. Porter          |
| Mr. Bevins      | Mr. Hall       | Mr. Preston         |
| Mr. Bloss       | Mr. Hammond    | Mr. Raymond         |
| Mr. Boughton    | Mr. Hannum     | Mr. Rice            |
| Mr. Bowen       | Mr. Harden     | Mr. Rodgers         |
| Mr. J. Brooks   | Mr. Harris     | Mr. Ross            |
| Mr. M. Brooks   | Mr. Heermans   | Mr. Russell         |
| Mr. L. H. Brown | Mr. Hervey     | Mr. Sager           |
| Mr. S. A. Brown | Mr. Hine       | Mr. Salisbury       |
| Mr. T. Buel     | Mr. Horton     | Mr. Searing         |
| Mr. Bunker      | Mr. Howard     | Mr. Sears           |
| Mr. Burdick     | Mr. Hunt       | Mr. A. C. Smith     |
| Mr. Bush        | Mr. Huntington | Mr. W. Smith        |
| Mr. Cameron     | Mr. Jarvis     | Mr. Speaker         |
| Mr. Carpenter   | Mr. Johnson    | Mr. R. L. Stevenson |
| Mr. Casner      | Mr. Jones      | Mr. Strobbridge     |
| Mr. Coe         | Mr. Kinne      | Mr. Sweeney         |
| Mr. Collins     | Mr. D. Lee     | Mr. Tefft           |
| Mr. Comstock    | Mr. Long       | Mr. Thayer          |



|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Crain        | Mr. M'Carthy     | Mr. Tibbits         |
| Mr. C. F. Crosby | Mr. M'Donald     | Mr. Titus           |
| Mr. E. Crosby    | Mr. M'Key        | Mr. Tuthill         |
| Mr. Culver       | Mr. M'Vean       | Mr. Van Schoonhoven |
| Mr. Danforth     | Mr. Mann         | Mr. Van Valkenburgh |
| Mr. Dayton       | Mr. Mather       | Mr. Walrath         |
| Mr. De Puy       | Mr. Mersereau    | Mr. Wells           |
| Mr. Dewey        | Mr. C. B. Miller | Mr. Wheeler         |
| Mr. Dickson      | Mr. S. Miller    | Mr. White           |
| Mr. Edwards      | Mr. Morris       | Mr. Whitney         |
| Mr. Field        | Mr. Morrison     | Mr. Wynant          |
| Mr. Fonda        | Mr. Moulton      | Mr. A. W. Young     |
| Mr. Frisbee      | Mr. Newkirk      | Mr. J. Young        |
| Mr. Garretson    | Mr. Niven        |                     |

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Those who voted in the negative are

|                |              |               |
|----------------|--------------|---------------|
| Mr. Bailey     | Mr. Constant | Mr. Knapp     |
| Mr. Brower     | Mr. Fellows  | Mr. T. R. Lee |
| Mr. A. H. Buel | Mr. Hazelton | Mr. Skelton   |
| Mr. Chase      |              |               |

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Mr. J. Young moved the reconsideration of the vote on agreeing to concur with the Senate in their amendment to the said bill.

Mr. J. Young moved the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Thereupon,

Mr. Speaker put the question whether the House would agree to the said motion of Mr. J. Young to reconsider the vote on concurring in the amendment of the Senate to the said bill, and it was determined in the negative.

*Ordered*, That the Clerk return the said bill and amendment to the Senate, and inform them that the Assembly have concurred with them in the said amendment, and amended the bill accordingly.

The following resolution was received from the Senate, for concurrence, to wit :

*Resolved*, (if the Assembly concur,) That the two Houses proceed, on the fourth day of February next, at twelve o'clock at noon, to the election of a United States Senator, in the place of Daniel S. Dickinson, whose term of service expires on the fourth of March next.

Thereupon,

*Resolved*, That the Assembly do concur with the Senate in their said resolution.

*Ordered*, That the Clerk return the said resolution to the Senate, and inform them that the Assembly have concurred in the same without amendment.

The report of the Harbor-master of the port of Albany for the year 1844, was received and read.

[See Document No. 49.]

*Ordered*, That the said report be laid on the table.

On motion of Mr. Garretson,

The House then adjourned to eleven o'clock to-morrow morning.

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## SATURDAY, FEBRUARY 1, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. J. N. Campbell.

The minutes of yesterday were read and approved.

The petition of sundry inhabitants of the county of Rensselaer, praying for the passage of a law to prohibit canal navigation on the Sabbath, was read, and referred to the committee on canals.

The petition of sundry inhabitants of the county of Erie, praying for the due execution of the law of 1838, for the draining of lands along the Tonawanda creek, was read, and referred to the committee on canals.

The petition of sundry inhabitants of the city of New-York, praying for an appropriation to establish an experimental college and farm in or near the city of New-York, was read, and referred to the committee on agriculture.

The petition of Lyman Allen, praying for relief, was read, and referred to the committee on grievances.

The petition of sundry inhabitants of the county of Otsego, praying for the erection of a new county from parts of the counties of Otsego, Chenango and Delaware, with the seat of justice at Unadilla, was read, and referred to the committee on the erection and division of towns and counties.

The remonstrance of sundry inhabitants of the county of Otsego, against any division of the said county, was read, and referred to the committee on the erection and division of towns and counties.

The petition of sundry inhabitants of the village of Geddes in the county of Onondaga, praying for an amendment of the charter of said village, was read, and referred to the committee on the incorporation of cities and villages.

The petition of the trustees of the Rensselaer Oswego Academy, praying for the passage of a law changing their name, was read, and referred to the committee on colleges, academies and common schools.

The petition of sundry inhabitants of the county of Herkimer, praying that the Mohawk turnpike may be placed in charge of the commissioners of highways, was read, and referred to the committee on railroads.

The petition of sundry inhabitants of the county of Herkimer, praying that the Mohawk turnpike may be taken out of the control of the railroad company, and made free, was read, and referred to the committee on railroads.

The petition of sundry inhabitants of the city of New-York, praying for the passage of a law aiding the New-York and Erie Railroad Company, was read, and referred to the committee on railroads.

The petition of the trustees of the Black River Annual Conference, praying for an amendment of their act of incorporation, was read, and referred to the committee on charitable and religious societies.

The petition of sundry inhabitants of the county of Broome, praying that the Legislature may consent to an extension of the New-York and Erie railroad into the State of Pennsylvania, was read, and referred to the committee on railroads.

The petition of sundry inhabitants of the counties of Onondaga and Cortland, praying for the incorporation of a company to construct a turnpike road from the village of Syracuse to the villages of Tully, Homer and Cortland, was read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the county of Onondaga, praying for an amendment of the act entitled "An act to authorise the construction of a timber, plank or hard road from Salina to Central-square," was read, and referred to the committee on roads and bridges.

Two several petitions of sundry inhabitants of the counties of Greene and Onondaga, praying for the passage of a law submitting the question of license to the people of the several towns and cities, were read, and referred to the select committee on that subject.

The petition of sundry inhabitants of the county of Rensselaer, praying for the adoption of resolutions instructing our senators in Congress to oppose the annexation of Texas, was read, and referred to the select committee on that subject.

Two several petitions of sundry inhabitants of the county of Rensselaer, praying for an extension of the right of suffrage to colored citizens, were read, and referred to the select committee on amendments to the Constitution.

The petition of sundry inhabitants of the county of Erie, praying for the repeal of the law respecting costs and fees in courts of record, passed at the last session of the Legislature, was read.

Mr. M'Carthy moved that the said petition be referred to a select committee.

Mr. T. R. Lee moved to amend the said motion of Mr. M'Carthy, by adding that the said committee be instructed to inquire into the expediency of abolishing all fees and costs in courts of record.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. T. R. Lee, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the said motion of Mr. M'Carthy, and it was determined in the affirmative.

Five several petitions of sundry inhabitants of the counties of Saratoga, Albany, Montgomery, Oneida and Rensselaer, praying for the



incorporation of the American and Foreign Bible Society, were read, and referred to the committee of the whole when on the bill upon that subject.

Two several remonstrances of sundry inhabitants of the counties of Albany and Rensselaer, against the incorporation of the American and Foreign Bible Society, were read, and referred to the committee of the whole when on the bill upon that subject.

Three several remonstrances of sundry inhabitants of the county of Orange, against the erection of a new town in said county, were read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the city of Albany, praying for the passage of a law to suppress licentiousness, was read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the counties of Onondaga and Cortland, praying for the incorporation of a company to construct a railroad from the village of Oswego to the village of Syracuse, was read, and referred to the committee of the whole when on the bill upon that subject.

The petition of the trustees of the Washington Academy, praying for a more equal distribution of the Literature fund to the several academies in this State, was read, and referred to the committee of the whole when on the bill upon that subject.

Mr. Coe, from the committee on canals, to which was referred the several petitions of sundry canal contractors, praying for the passage of a law authorising some other tribunal to review and correct the decisions of the Canal Board, reported in writing, and asked leave to bring in a bill.

[*See Document No. 48.*]

Leave being granted, Mr. Coe accordingly brought in the said bill, entitled "An act to provide for the removal of cases decided by the Canal Board, to the Supreme Court, by certiorari;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Garretson, from the committee on charitable and religious societies, to which was referred the memorial of the Leake and Watts Orphan House in the city of New-York, relative to an act providing for the binding out of orphans, reported favorably to the prayer of the memorialists, and asked leave to bring in a bill.

Leave being granted, Mr. Garretson accordingly brought in the said bill, entitled "An act to amend the act entitled 'An act to amend an act to incorporate the trustees of the Leake and Watts Orphan House in the city of New-York,' passed April 13th, 1844;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Niven, from the committee on privileges and elections, to which was referred several petitions in favor of extending the right of suffrage to negroes, reported the following resolution, to wit :

*Resolved*, That the committee on privileges and elections be dis-

charged from the consideration of the petitions for an extension of the right of suffrage to negroes, and that the same be referred to the select committee on amendments to the Constitution.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred several petitions relative to the property qualification of colored voters, reported the following resolution, to wit :

*Resolved*, 'That the committee on the judiciary be discharged from the consideration of the several petitions in relation to the property qualification of colored voters, and that the same be referred to the select committee on amendments to the Constitution.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the petition of Edwin L. Cady and others, praying for a change of name, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. T. R. Lee accordingly brought in the said bill, entitled "An act to change the name of Edwin Lucian Cady ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the petition of Samuel G. Chafee, praying for a change of name, reported favorably to the prayer of the petitioner, and asked leave to bring in a bill.

Leave being granted, Mr. T. R. Lee accordingly brought in the said bill, entitled "An act to change the name of Samuel G. Chafee ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the petition of Samuel K. Wolcott, a justice of the peace, praying for a confirmation of his official acts, reported favorably to the prayer of the petitioner, and asked leave to bring in a bill.

Leave being granted, Mr. T. R. Lee accordingly brought in the said bill, entitled "An act to confirm the official acts of Samuel K. Wolcott as a justice of the peace ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the engrossed bill from the Senate, entitled "An act to punish and prevent frauds in the use of false stamps and labels," reported, that the committee had gone through the said bill, and made sundry amendments thereto ; and that they saw no reason why the said bill, as amended, should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Van Valkenburgh, from the committee on railroads, to which was referred the petition of the New-York and Harlem Railroad Company, praying for leave to extend their railroad to the city of Albany, reported in writing, and asked leave to bring in a bill.

[See Document No. 44.]

Leave being granted, Mr. Van Valkenburgh accordingly brought in the said bill, entitled "An act to amend an act entitled 'An act relating to the New-York and Harlem Railroad Company,' passed May 7th, 1840;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Pardee, from the committee on the erection and division of towns and counties, to which was referred the petitions for the annexation of a part of the town of Busti to the town of Ellicott in the county of Chautauque, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Pardee accordingly brought in the said bill, entitled "An act to annex a part of the town of Busti to the town of Ellicott;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Niven, from the select committee on the rules and orders of the Assembly, reported in part, and concluded by offering the following resolution, to wit :

*Resolved*, That after this day, the call for "Motions, resolutions and notices," shall only be in order on Tuesdays and Saturdays of each week.

Mr. Worden moved to lay the said resolution on the table.

Mr. Speaker put the question whether the House would agree to the said motion, and it was determined in the affirmative.

The report of the Canal Appraisers, on the petition of Joseph Demont, Orrin Tyler and Edward Mynders, for canal damages, was received and read.

[See Document No. 46.]

*Ordered*, That the said report be referred to the committee on claims.

The report of the Canal Commissioners, on the petition of the citizens of the city of Troy, relative to repairs to the sidecut to the Erie Canal in the village of West-Troy, was received and read.

[See Document No. 57.]

*Ordered*, That the said report be referred to the committee on canals.

A message from the Senate, with the bill therein mentioned, was received and read, informing that they have passed the bill entitled "An act authorising Charles Abrahamson and John Abrahamson to change their names to Charles Albers and John Albers," and request the concurrence of the Assembly to the same.

The said bill was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

A message from the Senate, with the bill therein mentioned, was received and read, informing that they have passed the bill entitled "An act in relation to moneys raised for the support of the town poor in the



county of Lewis," and request the concurrence of the Assembly in the same.

The said bill was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the internal affairs of towns and counties.

The House then proceeded to the consideration of the motion made yesterday by Mr. Morrison, to refer the bill entitled "An act for ascertaining by proper proofs the persons entitled to the right of suffrage in the city and county of New-York," to a select committee, consisting of the members attending this house from the city and county of New-York; and also the motion of Mr. Russell, to refer the said bill to the committee on privileges and elections.

The question recurred on agreeing to the motion of Mr. Russell.

Debates were had thereon: when

Mr. Russell withdrew his said motion.

Mr. Speaker then put the question whether the House would agree to the said motion of Mr. Morrison, to refer the said bill to a select committee, consisting of the members attending this house from the city and county of New-York, and it was determined in the affirmative.

In pursuance of previous notice, Mr. Oakley asked for and obtained leave to bring in a bill, entitled "An act to amend an act entitled 'An act to promote agriculture,' passed May 6th, 1841;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on agriculture.

The bill entitled "An act to amend an act to reduce the number of canal commissioners, and to provide for their election by the people, passed May 6th, 1844," was returned from the Senate.

*Ordered*, That the Clerk deliver the said bill to the Governor.

A resolution was received from the Senate, for concurrence, in the words following, to wit:

*Resolved*, (if the Assembly concur,) That the two Houses will proceed, on Monday next, being the first Monday of February, at twelve o'clock at noon, to the election according to law of the several State officers, being a Secretary of State, Comptroller, Treasurer, Attorney General, Surveyor General and Commissary General; and also to the election of two Regents of the University, to fill the vacancies occasioned by the death of William Campbell and the resignation of Joseph Russel.

Thereupon,

*Resolved*, That the Assembly do concur with the Senate in their said resolution.

*Ordered*, That the Clerk return the said resolution to the Senate, and inform them that the Assembly have concurred in the same without amendment.

On motion of Mr. Coe,

*Resolved*, That the Clerk be directed to furnish, as usual, to the reporters of this House, the Manual for 1845; also to each of the members, officers and reporters, five copies of the diagram of the Assembly chamber, which has been engraved for the same Manual; the expense to be paid from the contingent fund of the Assembly.

On motion of Mr. Horton,

*Resolved*, That all petitions and papers on file, in relation to restoring to the St. Regis Indians certain islands in the River St. Lawrence, be taken from said files, and referred to the committee on the judiciary.

Mr. Whitney gave notice that he would, at an early day, ask leave to introduce a bill reducing the salary of State officers.

On motion of Mr. M'Key,

*Resolved*, That the petition of D. B. Parson, praying for canal damages, and the papers relating thereto, be taken from the files of the house, and referred to the committee on claims.

Mr. D. Lee offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, (if the Senate concur,) That the senators and members in Congress from this State be requested to use all reasonable efforts to secure a reduction of postage, so far as it can be done, and not make the Post-office Department a tax on the National Treasury.

*Ordered*, That the said resolution be laid on the table.

On motion of Mr. J. Brooks,

*Resolved*, That the committee on amendments to the Constitution are hereby instructed to inquire into the equity and expediency of so amending the same, as to place the clerical profession on a footing of equality, with respect to taxation and eligibility to office, with the other classes of the community.

In pursuance of previous notice, Mr. Morrison asked for and obtained leave to bring in a bill, entitled "An act for the more effectual punishment and prevention of crimes now punishable with death;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Morrison asked for and obtained leave to bring in a bill, entitled "An act to improve the law of evidence;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

Mr. Harris moved that the bill on the general orders, entitled "An act further to amend the act entitled 'An act relative to the city of Albany,' passed April 6th, 1842," be taken therefrom, and referred to a select committee, with instructions to report the same complete.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Harris, and it was determined in the affirmative.

On motion of Mr. Harris,

*Resolved*, That the petitions and papers accompanying the same, relative to fixing the place where the Supreme Court and Court of Chancery shall be held, be taken from the files, and referred to the committee on the judiciary.

Mr. Wheeler gave notice that he would ask leave, at an early day, to introduce a bill recommending a Convention of the People of this State.

On motion of Mr. A. W. Young,

*Resolved*, That the committee on railroads be instructed to inquire into existing regulations for the transportation of freight on the railroads of this State, and into the propriety of providing by law for the correction and prevention of abuses practised, or which may be practised,

under such regulations, and to report to this house by bill or otherwise.

On motion of Mr. Comstock,

*Resolved*, That the petition of Asaph Seymour, William Coffin, Richard Savage and William L. Harrison, which was presented to the House of Assembly on the twenty-ninth of January 1844, be taken from the files of last year, and referred to the committee on claims.

Mr. Comstock gave notice that he would, at an early day, ask leave to introduce a bill relative to purchasers at receivers' sales.

Mr. Fonda gave notice that he would, on some future day, ask leave to introduce a bill relative to surplus funds in certain banking institutions in this State.

Mr. Bailey offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That all resolutions and motions now pending, or which may be hereafter introduced, relating to the question of the annexation of Texas to the United States, be referred to the select committee having charge of that subject.

*Ordered*, That the said resolutions be laid on the table.

Mr. Thayer gave notice that he would, at some future day, ask leave to introduce a bill to confirm the official acts of Birdseye Norton, a justice of the peace of the town of Parish in the county of Oswego.

On motion of Mr. Searing,

*Resolved*, That the petition presented by me, from inhabitants of Cayuga county, praying for the reduction of lawyers' fees, and which petition was referred to the judiciary committee, be referred to the select committee on that subject.

Mr. Harris offered for the consideration of the House two several resolutions, in the words following, to wit :

*Resolved*, That the directors or trustees of the Troy and Greenbush Railroad Association, applying for an act of incorporation, communicate to this House a copy of the agreement between them and the New-York and Albany Railroad Company, referred to in their application; also of their articles of association, with the names of the stockholders on the first day of January instant, the amount of stock held by each, and the place of residence of each of said stockholders.

*Resolved*, That the said directors or trustees be requested to report to this House, whether, since the said association was formed, they have caused any proceedings to be had for acquiring title to any lands; and whether they have in any, and how many cases, instituted such proceedings, and caused damages to be assessed under the act incorporating the New-York and Albany Railroad Company; and in how many and what cases, if any, have the proceedings and verdict of the jury been filed in the office of the county clerk; and in how many and what cases, after the assessment of damages by a jury, have the said association obtained deeds from the owners of the land; and whether such deeds, and which of them, if any, have been taken to the New-York and Albany Railroad Company, or to what individuals by name; and under what trust, if any, and in how many and what cases has title to any lands, for the track of the said railroad, been vested in the New-York and Albany Railroad Company as grantees named in the deed of conveyance.



*Ordered*, That the said resolutions be laid on the table.

The House then again resolved itself into a committee of the whole, on the resolutions reported by the select committee on the amendments to the Constitution; and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Jones, from the said committee, reported progress, and asked for and obtained leave to sit again.

The House then again resolved itself into a committee of the whole, on the bill entitled "An act to amend the act entitled 'An act to increase the revenues of the State, by extending the market for salt, coal and lead,' passed April 18th, 1843;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Niven, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

A message from the Senate, with the bill therein mentioned, was received and read, informing that they have passed the bill entitled "An act to amend an act entitled 'An act to incorporate medical societies, for the purpose of regulating the practice of physic and surgery in this State,' passed April 10th, 1843," and request the concurrence of the Assembly in the same.

The said bill was read the first time, and by unanimous consent was also read a second time, and referred to the committee on medical societies and colleges.

A message from the Senate, with the bill therein mentioned, was received and read, informing that they have passed the bill entitled "An act to incorporate the Delaware Turnpike Company," and request the concurrence of the Assembly in the same.

The said bill was read the first time, and by unanimous consent was also read a second time, and referred to the committee on roads and bridges.

The House then resolved itself into a committee of the whole, on the bill entitled "An act to incorporate a fire company at Glenheim in Fishkill, Dutchess county;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. M'Key, from the said committee, reported progress, and asked for and obtained leave to sit again.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the engrossed bill from the Senate, entitled "An act to amend the thirty-fifth section of chapter ninth, title third, article first, of the Revised Statutes, relating to writs of error and appeals," reported, that the committee had gone through the said bill, and made sundry amendments thereto; and that they saw no reason why the said bill, as amended, should not be passed into a law.

The said amendments were read.

On motion of Mr. Worden,

*Ordered*, That the said amendments be printed, and laid on the table.

Mr. Whitney, from the committee on medical societies and colleges, to which was referred the engrossed bill from the Senate, entitled "An act to amend an act entitled 'An act to incorporate medical societies, for the purpose of regulating the practice of physic and surgery in this State,' passed April 10, 1843," reported, that the committee had gone

through the said bill, and made sundry amendments thereto: and that they saw no reason why the said bill, as amended, should not be passed into a law.

The said amendments having been read,

Mr. D. Lee moved that the House do agree with the committee in their said report.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. D. Lee, and it was determined in the affirmative.

The said bill and amendments were then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill and amendments, and it was determined in the affirmative.

*Ordered,* That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same with the amendments thereto therewith delivered.

On motion of Mr. D. Lee,

The House then adjourned to eleven o'clock on Monday morning.

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## MONDAY, FEBRUARY 3, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Hoes.

The minutes of Saturday were read and approved.

The petition of sundry members of the bar, praying for such action by the Legislature as will provide for the more ample distribution of the decisions of the Supreme Court of the United States, was read, and referred to the committee on the judiciary.

The petition of Benjamin E. Hinman of the county of St. Lawrence, praying for the passage of a law authorising him to change his name, was read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the county of Monroe, praying for such action by the Legislature as will lead to the reference of all causes of war to a court of nations, and that the same may be settled by friendly arbitration, was read, and referred to the committee on the judiciary.

Two several petitions of sundry inhabitants of the town of Bethany in the county of Genesee, praying for the passage of a law authorising the supervisor of said town to levy and collect taxes on certain lots not taxed in said town, was read.

Mr. Hannum moved that the said petition be referred to the committee on the judiciary, with instructions to inquire into the expediency of providing by a general law for all cases similar to those specified in the petition.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Hannum, and it was determined in the affirmative.

The petition of sundry inhabitants of the village of Fredonia in the county of Chautauque, praying for an amendment of the charter of said village, was read, and referred to the committee on the incorporation of cities and villages.

The remonstrance of sundry inhabitants of the village of Fredonia, against giving the trustees of said village any additional power in laying out or opening streets in the same, was read, and referred to the committee on the incorporation of cities and villages.

The petition of sundry inhabitants of the county of Delaware, praying for an extension of the New-York and Erie railroad to the Pennsylvania line, was read, and referred to the committee on railroads.

The petition of sundry inhabitants of the city of New-York, praying for the incorporation of a company to construct a railroad from the city of New-York to the city of Newhaven in the State of Connecticut, was read, and referred to the committee on railroads.

The petition of sundry inhabitants of the county of Broome, praying for the erection of a new county from parts of the counties of Broome, Chenango, Otsego and Delaware, with the seat of justice at Bainbridge, was read, and referred to the committee on the erection and division of towns and counties.

Five several remonstrances of sundry inhabitants of the counties of Delaware and Broome, against any division or alteration of the said counties, were read, and referred to the committee on the erection and division of towns and counties.

The petition of sundry inhabitants of the village of Geneseo in the county of Livingston, praying for the assumption by the State of the Dansville slip and basin, was read, and referred to the committee on canals.

The petition of sundry inhabitants of the county of Monroe, praying for the erection of an institution for the temporary reception of discharged convicts, was read, and referred to the committee on state prisons.

The petition of sundry inhabitants of the county of Orleans, praying for the passage of a law abolishing the office of county superintendent of common schools, and also the Normal School at Albany, was read, and referred to the committee on colleges, academies and common schools.

The petition of sundry inhabitants of the city of Troy, praying for the incorporation of the Troy Gas Light Company, was read, and referred to the committee on the internal affairs of towns and counties.

The petition of sundry inhabitants of the county of Steuben, praying for the incorporation of a company to construct a turnpike road from the village of Jefferson in the county of Chemung, to the village of Corning in the county of Steuben, was read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the county of Orange, praying for the passage of a law establishing a ferry across the Delaware river, was read, and referred to the committee on roads and bridges.

Seven several petitions of sundry inhabitants of the county of Delaware, praying for the incorporation of a company to construct a turnpike



road through the village of Hobart in said county, were read, and referred to the committee on roads and bridges.

The remonstrance of sundry inhabitants of the county of Chautauque, against rechartering the company for the erection of a bridge over the Eighteen mile creek, was read, and referred to the committee on roads and bridges.

Seven several petitions of sundry inhabitants of the counties of Greene, Orange, Ontario, Onondaga and Livingston, praying for the passage of an act submitting the question of license to the people of the several towns and cities, were read, and referred to the select committee on that subject.

The petition of sundry inhabitants of the county of Erie, praying for the repeal of the law of last session, relating to costs and fees in courts of record, was read, and referred to a select committee.

The petition of sundry inhabitants of the manor of Rensselaerwyck, praying for relief, was read, and referred to a select committee.

Two several remonstrances of sundry inhabitants of the counties of Broome and Sullivan, against locating any part of the New-York and Erie railroad in the State of Pennsylvania, were read, and referred to the committee on railroads.

The remonstrance of sundry inhabitants of school district number fourteen in the towns of Cicero and Clay in the county of Onondaga, against the claim of H. M. Wright and Joseph Rector, was read, and referred to the committee of the whole when on the bill upon that subject.

Five several petitions of sundry inhabitants of the county of Jefferson, praying for the incorporation of the American and Foreign Bible Society, was read, and referred to the committee of the whole when on the bill upon that subject.

Three several remonstrances of sundry inhabitants of the counties of Rensselaer and New-York, against the incorporation of the American and Foreign Bible Society, were read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Orange, praying for the erection of a new town in said county, was read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of sundry inhabitants of the county of Orange, against the erection of a new town in said county, was read, and referred to the committee of the whole when on the bill upon that subject.

Three several petitions of the trustees of the Franklin, Fredonia and Lowville Academies, praying for a more equal distribution of the Literature fund, were read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Monroe, praying for the passage of a law to punish licentiousness, was read, and referred to the committee of the whole when on the bill upon that subject.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to amend the act entitled 'An act to increase the revenues of the State, by extending the market for salt, coal and lead,' passed April 18th, 1843," and found the same correctly engrossed.

*Ordered*, That the said bill do have its third reading.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the engrossed bill from the Senate, entitled "An act in relation to moneys raised for the support of the town poor in the county of Lewis," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Titus, from the committee on trade and manufactures, to which was referred the petition of the West-Point Foundry Association, for a renewal of their charter, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Titus accordingly brought in the said bill, entitled "An act to recharter and continue in force the West-Point Foundry Association ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Ross, from the committee on the incorporation of cities and villages, to which was referred the petition of sundry inhabitants of the village of Salina in the county of Onondaga, praying for an amendment of the charter of said village, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Ross accordingly brought in the said bill, entitled "An act to amend the act entitled 'An act to condense and amend the several acts relative to the village of Salina ;'" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Ross, from the committee on the incorporation of cities and villages, to which was referred the petition of the Washington Volunteer Fire Company of Troy, for an increase of the number of its members, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Ross accordingly brought in the said bill, entitled "An act to amend an act entitled 'An act to incorporate the Washington Volunteer Fire Company in the village of Troy ;'" which was read the first time, and by unanimous consent was also read a second time, and, on motion of Mr. Ross, referred to the committee of the whole when on the bill entitled "An act to incorporate a fire company at Glenheim in Fishkill, Dutchess county."

Mr. Titus, from the committee on trade and manufactures, to which was referred the petition for the incorporation of the Scottsville Manufacturing Company, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Titus accordingly brought in the said bill, entitled "An act to incorporate the Scottsville Cotton and Woollen Manufacturing Company, near Scottsville, town of Wheatland, Monroe county, New-York ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
*Albany, February 3, 1845. }*

TO THE LEGISLATURE.

I transmit, herewith, the annual report of the Commissary-General, and take the occasion to invite the attention of the Legislature to the information communicated in relation to the condition of the State Arsenal in the city of New-York, and to the negotiation between this State and the United States for the sale of the fortifications on Staten Island to the latter.

It will appear that definite terms, for the sale of the State property upon Staten Island, were long since given to the proper federal authorities, which still await the action of that government. If the Legislature shall not see fit to modify those terms, the only desirable action would seem to be that most likely to induce an early decision by the federal authorities upon them.

The Commissary-General suggests sending an agent to Washington for this purpose, but as legislation only is required, and as the subject is shown to be before Congress in the shape of a bill reported from the appropriate committee, it would seem to me that a prompt expression of the Legislature, calculated to draw the attention of the representatives from the State to this bill, would be more likely to secure the desired result.

The various expressions of the executive officers of the United States upon this subject, show that they are fully impressed with the importance of the purchase, to the United States; and do not leave any ground to apprehend either difficulty or delay in bringing the negotiation to a close, in case Congress see fit to invest them with the necessary authority, and to place at their disposal the requisite means.

I respectfully ask the attention of the Legislature to another subject discussed in this report. I refer to the loan of State arms to companies of the militia not called into the service of the State. The practice has been indulged, for several years, and many of the arms from the State Arsenal, have been thus loaned out, upon bonds supposed to be sufficient when taken, to secure their safe return.

Still, serious doubts have been entertained, whether the law authorizes this disposition of these arms, at the discretion of the Executive, and the subject has been repeatedly brought before the Legislature, without, so far as I am aware, having secured either its action, or expression, upon this point.

My immediate predecessor, in one of his annual messages, expressed his strong doubts as to his authority to make these loans, and urged that further legislation might be had, but stated that he had concluded to pursue the practice, which he found in existence, unless the Legislature should signify its dissent.

My examinations have satisfied me that the authority does not exist under the law as it is, and I shall therefore be constrained to decline



all such loans of the public arms, unless the authority to make them shall be conferred. Several applications have already been refused upon this ground, and as they are frequent, and a suspension of the former practice may seriously affect the formation, and extension, of uniformed companies of the militia, the subject is again respectfully, but earnestly, urged upon the attention of the Legislature.

If the practice is to be continued, it should be not only expressly legalized, but regulated by distinct enactments as to the security to be required, the manner of ascertaining the sufficiency of the sureties; the facts upon which loans of arms shall be made; the mode of ascertaining periodically the condition of the arms loaned; the continued ability of the sureties, and the like.

SILAS WRIGHT.

[See Document No. 51.]

On motion of Mr. Mather,

*Resolved*, That six hundred extra copies of the report of the Commissary General be printed for the use of the Military Department; also one hundred extra copies for the Commissary General.

[See Document No. 99.]

Pursuant to title third of the fifth chapter of the first part of the Revised Statutes of this State, and agreeably to the concurrent resolution of the Senate and Assembly, the House proceeded to nominate a Secretary of State; when each member present openly nominated as follows, to wit:

FOR NATHANIEL S. BENTON.

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|                 |               |                  |
|-----------------|---------------|------------------|
| Mr. Bachman     | Mr. Danforth  | Mr. M'Key        |
| Mr. Bagg        | Mr. Dayton    | Mr. C. B. Miller |
| Mr. Bailey      | Mr. Dickson   | Mr. S. Miller    |
| Mr. Bevens      | Mr. Fellows   | Mr. Morris       |
| Mr. Billings    | Mr. Fonda     | Mr. Newkirk      |
| Mr. Boughton    | Mr. D. Gould  | Mr. Niven        |
| Mr. J. Brooks   | Mr. Gregory   | Mr. Pardee       |
| Mr. M. Brown    | Mr. Hall      | Mr. Pierce       |
| Mr. Brower      | Mr. Harden    | Mr. Porter       |
| Mr. L. H. Brown | Mr. Hazelton  | Mr. Preston      |
| Mr. A. H. Buel  | Mr. Hervey    | Mr. Rogers       |
| Mr. Bunker      | Mr. Hine      | Mr. Russell      |
| Mr. Burdick     | Mr. Howard    | Mr. Sager        |
| Mr. Cameron     | Mr. Jones     | Mr. Salisbury    |
| Mr. Carpenter   | Mr. Kinne     | Mr. Searing      |
| Mr. Chase       | Mr. Knapp     | Mr. Sears        |
| Mr. Comstock    | Mr. T. R. Lee | Mr. Skelton      |
| Mr. Constant    | Mr. M'Carthy  | Mr. A. C. Smith  |
| Mr. Crain       | Mr. M'Donald  | Mr. W. Smith     |

|                     |             |                     |
|---------------------|-------------|---------------------|
| Mr. Speaker         | Mr. Thayer  | Mr. Van Valkenburgh |
| Mr. R. L. Stevenson | Mr. Titus   | Mr. Walrath         |
| Mr. Strowbridge     | Mr. Tuthill | Mr. Whitney         |
| Mr. Tefft           |             |                     |

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## FOR ARCHIBALD M'INTYRE.

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|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Barber       | Mr. Edwards    | Mr. Long            |
| Mr. Betts        | Mr. Field      | Mr. M'Vean          |
| Mr. Bloss        | Mr. Frisbee    | Mr. Mann            |
| Mr. Bowen        | Mr. Garretson  | Mr. Raymond         |
| Mr. S. A. Brown  | Mr. Giffard    | Mr. Rice            |
| Mr. T. Buel      | Mr. G. Goold   | Mr. Sweeney         |
| Mr. Bush         | Mr. Hannum     | Mr. Tibbits         |
| Mr. Casner       | Mr. Harris     | Mr. Van Schoonhoven |
| Mr. Coe          | Mr. Heermans   | Mr. Wells           |
| Mr. Collins      | Mr. Horton     | Mr. White           |
| Mr. C. F. Crosby | Mr. Huntington | Mr. Worden          |
| Mr. E. Crosby    | Mr. Johnson    | Mr. A. W. Young     |
| Mr. Dewey        | Mr. D. Lee     | Mr. J. Young        |

39

## FOR SAMUEL YOUNG.

11

|            |               |             |
|------------|---------------|-------------|
| Mr. Culver | Mr. Mather    | Mr. Oakley  |
| Mr. De Puy | Mr. Mersereau | Mr. Ross    |
| Mr. Hunt   | Mr. Morrison  | Mr. Wheeler |
| Mr. Jarvis | Mr. Moulton   |             |

11

Thereupon, on motion of Mr. Comstock,

*Resolved*, That Nathaniel S. Benton be, and he is hereby nominated on the part of this House, for the office of Secretary of State, in the place of Samuel Young, whose term of office has expired.

Pursuant to title third of the fifth chapter of the first part of the Revised Statutes of this State, and agreeably to the concurrent resolution of the Senate and Assembly, the House proceeded to nominate a Comptroller of this State; when each member present openly nominated as follows, to wit:

## FOR AZARIAH C. FLAGG.

67

|                 |               |              |
|-----------------|---------------|--------------|
| Mr. Bachman     | Mr. Bunker    | Mr. Fellows  |
| Mr. Bagg        | Mr. Burdick   | Mr. Fonda    |
| Mr. Bailey      | Mr. Cameron   | Mr. D. Gould |
| Mr. Bevins      | Mr. Carpenter | Mr. Gregory  |
| Mr. Billings    | Mr. Chase     | Mr. Hall     |
| Mr. Boughton    | Mr. Comstock  | Mr. Harden   |
| Mr. J. Brooks   | Mr. Constant  | Mr. Hazelton |
| Mr. M. Brooks   | Mr. Crain     | Mr. Hervey   |
| Mr. Brower      | Mr. Danforth  | Mr. Hine     |
| Mr. L. H. Brown | Mr. Dayton    | Mr. Howard   |
| Mr. A. H. Buel  | Mr. Dickson   | Mr. Jones    |

|                  |                 |                     |
|------------------|-----------------|---------------------|
| Mr. Kinne        | Mr. Pierce      | Mr. W. Smith        |
| Mr. Knapp        | Mr. Porter      | Mr. Speaker         |
| Mr. T. R. Lee    | Mr. Preston     | Mr. R. L. Stevenson |
| Mr. M'Carthy     | Mr. Rogers      | Mr. Strobbridge     |
| Mr. M'Donald     | Mr. Russell     | Mr. Tefft           |
| Mr. M'Key        | Mr. Sager       | Mr. Thayer          |
| Mr. C. B. Miller | Mr. Salisbury   | Mr. Titus           |
| Mr. S. Miller    | Mr. Searing     | Mr. Tuthill         |
| Mr. Morris       | Mr. Sears       | Mr. Van Valkenburgh |
| Mr. Newkirk      | Mr. Skelton     | Mr. Walrath         |
| Mr. Niven        | Mr. A. C. Smith | Mr. Whitney         |
| Mr. Pardee       |                 | 67                  |

#### FOR SAMUEL B. RUGGLES. 39

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Barber       | Mr. Edwards    | Mr. Long            |
| Mr. Betts        | Mr. Field      | Mr. M'Vean          |
| Mr. Bloss        | Mr. Frisbee    | Mr. Mann            |
| Mr. Bowen        | Mr. Garretson  | Mr. Raymond         |
| Mr. S. A. Brown  | Mr. Giffard    | Mr. Rice            |
| Mr. T. Buel      | Mr. G. Goold   | Mr. Sweeney         |
| Mr. Bush         | Mr. Hannum     | Mr. Tibbits         |
| Mr. Casner       | Mr. Harris     | Mr. Van Schoonhoven |
| Mr. Coe          | Mr. Heermans   | Mr. Wells           |
| Mr. Collins      | Mr. Horton     | Mr. White           |
| Mr. C. F. Crosby | Mr. Huntington | Mr. Worden          |
| Mr. E. Crosby    | Mr. Johnson    | Mr. A. W. Young     |
| Mr. Dewey        | Mr. D. Lee     | Mr. J. Young        |
|                  |                | 39                  |

#### FOR WILLIAM G. ROCKWELL. 11

|            |               |             |
|------------|---------------|-------------|
| Mr. Culver | Mr. Mather    | Mr. Oakley  |
| Mr. De Puy | Mr. Mersereau | Mr. Ross    |
| Mr. Hunt   | Mr. Morrison  | Mr. Wheeler |
| Mr. Jarvis | Mr. Moulton   | 11          |

Thereupon, on motion of Mr. Comstock,

*Resolved*, That Azariah C. Flagg be, and he is hereby nominated on the part of this House, for the office of Comptroller, in the place of Azariah C. Flagg, whose term of office has expired.

Pursuant to title third of the fifth chapter of the first part of the Revised Statutes of this State, and agreeably to the concurrent resolution of the Senate and Assembly, the House proceeded to nominate a Treasurer of this State; when each member present openly nominated as follows, to wit:

#### FOR BENJAMIN ENOS. 67

|             |              |               |
|-------------|--------------|---------------|
| Mr. Bachman | Mr. Bevins   | Mr. J. Brooks |
| Mr. Bagg    | Mr. Billings | Mr. M. Brooks |
| Mr. Bailey  | Mr. Boughton | Mr. Brower    |



|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. L. H. Brown | Mr. Hervey       | Mr. Rogers          |
| Mr. A. H. Buel  | Mr. Hine         | Mr. Russell         |
| Mr. Bunker      | Mr. Howard       | Mr. Sager           |
| Mr. Burdick     | Mr. Jones        | Mr. Salisbury       |
| Mr. Cameron     | Mr. Kinne        | Mr. Searing         |
| Mr. Carpenter   | Mr. Knapp        | Mr. Sears           |
| Mr. Chase       | Mr. T. R. Lee    | Mr. Skelton         |
| Mr. Comstock    | Mr. M'Carthy     | Mr. A. C. Smith     |
| Mr. Constant    | Mr. M'Donald     | Mr. W. Smith        |
| Mr. Crain       | Mr. M'Key        | Mr. Speaker         |
| Mr. Danforth    | Mr. C. B. Miller | Mr. R. L. Stevenson |
| Mr. Dayton      | Mr. S. Miller    | Mr. Strobridge      |
| Mr. Dickson     | Mr. Morris       | Mr. Tefft           |
| Mr. Fellows     | Mr. Newkirk      | Mr. Thayer          |
| Mr. Fonda       | Mr. Niven        | Mr. Titus           |
| Mr. D. Gould    | Mr. Pardee       | Mr. Tuthill         |
| Mr. Gregory     | Mr. Pierce       | Mr. Van Valkenburgh |
| Mr. Hall        | Mr. Porter       | Mr. Walrath         |
| Mr. Harden      | Mr. Preston      | Mr. Whitney         |
| Mr. Hazelton    |                  |                     |

67

## FOR JUDSON W. SHERMAN.

40

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Barber       | Mr. Field      | Mr. Long            |
| Mr. Betts        | Mr. Frisbee    | Mr. M'Vean          |
| Mr. Bloss        | Mr. Garretson  | Mr. Mann            |
| Mr. Bowen        | Mr. Giffard    | Mr. Raymond         |
| Mr. S. A. Brown  | Mr. G. Goold   | Mr. Rice            |
| Mr. T. Buel      | Mr. Hannum     | Mr. Sweeney         |
| Mr. Bush         | Mr. Harris     | Mr. Tibbits         |
| Mr. Casner       | Mr. Heermans   | Mr. Van Schoonhoven |
| Mr. Coe          | Mr. Horton     | Mr. Wells           |
| Mr. Collins      | Mr. Huntington | Mr. White           |
| Mr. C. F. Crosby | Mr. Johnson    | Mr. Worden          |
| Mr. E. Crosby    | Mr. D. Lee     | Mr. A. W. Young     |
| Mr. Dewey        | Mr. Litchfield | Mr. J. Young        |
| Mr. Edwards      |                |                     |

40

## FOR THOMAS FARRINGTON.

11

|            |               |             |
|------------|---------------|-------------|
| Mr. Culver | Mr. Mather    | Mr. Oakley  |
| Mr. De Puy | Mr. Mersereau | Mr. Ross    |
| Mr. Hunt   | Mr. Morrison  | Mr. Wheeler |
| Mr. Jarvis | Mr. Moulton   |             |

11

Thereupon, on motion of Mr. Comstock,

*Resolved*, That Benjamin Enos be, and he is hereby nominated on the part of this House, for the office of Treasurer, in the place of Thomas Farrington, whose term of office has expired.

Pursuant to title third of the fifth chapter of the first part of the Revised Statutes of this State, and agreeably to the concurrent resolution of the Senate and Assembly, the House proceeded to nominate an Attorney General of this State; when each member present openly nominated as follows, to wit :

## FOR JOHN VAN BUREN.

67

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. Fonda        | Mr. Pierce          |
| Mr. Bagg        | Mr. D. Gould     | Mr. Porter          |
| Mr. Bailey      | Mr. Gregory      | Mr. Preston         |
| Mr. Bevens      | Mr. Hall         | Mr. Rogers          |
| Mr. Billings    | Mr. Harden       | Mr. Russell         |
| Mr. Boughton    | Mr. Hazelton     | Mr. Sager           |
| Mr. J. Brooks   | Mr. Hervey       | Mr. Salisbury       |
| Mr. M. Brooks   | Mr. Hine         | Mr. Searing         |
| Mr. Brower      | Mr. Howard       | Mr. Sears           |
| Mr. L. H. Brown | Mr. Jones        | Mr. Skelton         |
| Mr. A. H. Buel  | Mr. Kinne        | Mr. A. C. Smith     |
| Mr. Bunker      | Mr. Knapp        | Mr. W. Smith        |
| Mr. Burdick     | Mr T R. Lee      | Mr. Speaker         |
| Mr. Cameron     | Mr. M'Carthy     | Mr. R. L. Stevenson |
| Mr. Carpenter   | Mr. M'Donald     | Mr. Strobbridge     |
| Mr. Chase       | Mr. M'Key        | Mr. Tefft           |
| Mr. Comstock    | Mr. C. B. Miller | Mr. Thayer          |
| Mr. Constant    | Mr. S. Miller    | Mr. Titus           |
| Mr. Crain       | Mr. Morris       | Mr. Tuthill         |
| Mr. Danforth    | Mr. Newkirk      | Mr. Van Valkenburgh |
| Mr. Dayton      | Mr. Niven        | Mr. Walrath         |
| Mr. Dickson     | Mr. Pardee       | Mr. Whitney         |
| Mr. Fellows     |                  |                     |

67

## FOR B. DAVIS NOXON.

40

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Barber       | Mr. Field      | Mr. Long            |
| Mr. Betts        | Mr. Frisbee    | Mr. M'Vean          |
| Mr. Bloss        | Mr. Garretson  | Mr. Mann            |
| Mr. Bowen        | Mr. Giffard    | Mr. Raymond         |
| Mr. S. A. Brown  | Mr. G. Gould   | Mr. Rice            |
| Mr. T. Buel      | Mr. Hannum     | Mr. Sweeney         |
| Mr. Bush         | Mr. Harris     | Mr. Tibbits         |
| Mr. Casner       | Mr. Heermans   | Mr. Van Schoonhoven |
| Mr. Coe          | Mr. Horton     | Mr. Wells           |
| Mr. Collins      | Mr. Huntington | Mr. White           |
| Mr. C. F. Crosby | Mr. Johnson    | Mr. Worden          |
| Mr. E. Crosby    | Mr. D. Lee     | Mr. A. W. Young     |
| Mr. Dewey        | Mr. Litchfield | Mr. J. Young        |
| Mr. Edwards      |                |                     |

40

## FOR SAMUEL G. WILKIN.

11

|            |               |             |
|------------|---------------|-------------|
| Mr. Culver | Mr. Mather    | Mr. Oakley  |
| Mr. De Puy | Mr. Mersereau | Mr. Ross    |
| Mr. Hunt   | Mr. Morrison  | Mr. Wheeler |
| Mr. Jarvis | Mr. Moulton   |             |

11

Thereupon, on motion of Mr. A. H. Buell,

*Resolved*, That John Van Buren be, and he is hereby nominated on the part of this House, for the office of Attorney General, in the place of George P. Barker, whose term of office has expired.

Pursuant to title third of the fifth chapter of the first part of the Revised Statutes, and agreeably to the concurrent resolution of the Senate and Assembly, the House proceeded to nominate a Surveyor General of this State ; when each member present openly nominated as follows, to wit :

## FOR HUGH HALSEY.

67

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. Fonda        | Mr. Pierce          |
| Mr. Bagg        | Mr. D. Gould     | Mr. Porter          |
| Mr. Bailey      | Mr. Gregory      | Mr. Preston         |
| Mr. Bevens      | Mr. Hall         | Mr. Rogers          |
| Mr. Billings    | Mr. Harden       | Mr. Russell         |
| Mr. Boughton    | Mr. Hazelton     | Mr. Sager           |
| Mr. J. Brooks   | Mr. Hervey       | Mr. Salisbury       |
| Mr. M. Brooks   | Mr. H. ne        | Mr. Searing         |
| Mr. Brower      | Mr. Howard       | Mr. Sears           |
| Mr. L. H. Brown | Mr. Jones        | Mr. Skelton         |
| Mr. A. H. Buel  | Mr. Kinne        | Mr. A. C. Smith     |
| Mr. Bunker      | Mr. Knapp        | Mr. W. Smith        |
| Mr. Burdick     | Mr. T. R. Lee    | Mr. Speaker         |
| Mr. Cameron     | Mr. M'Carthy     | Mr. R. L. Stevenson |
| Mr. Carpenter   | Mr. M'Donald     | Mr. Strobridge      |
| Mr. Chase       | Mr. M'Key        | Mr. Tefft           |
| Mr. Comstock    | Mr. C. B. Miller | Mr. Thayer          |
| Mr. Constant    | Mr. S. Miller    | Mr. Titus           |
| Mr. Crain       | Mr. Morris       | Mr. Tuthill         |
| Mr. Danforth    | Mr. Newkirk      | Mr. Van Valkenburgh |
| Mr. Dayton      | Mr. Niven        | Mr. Walrath         |
| Mr. Dickson     | Mr. Pardee       | Mr. Whitney         |
| Mr. Fellows     |                  |                     |

67

## FOR EDWARD DODD.

39

|                 |                  |               |
|-----------------|------------------|---------------|
| Mr. Barber      | Mr. Bush         | Mr. Dewey     |
| Mr. Betts       | Mr. Casner       | Mr. Edwards   |
| Mr. Bloss       | Mr. Coe          | Mr. Field     |
| Mr. Bowen       | Mr. Collins      | Mr. Garretson |
| Mr. S. A. Brown | Mr. C. F. Crosby | Mr. Giffard   |
| Mr. T. Buel     | Mr. E. Crosby    | Mr. G. Goold  |



|               |                |                     |
|---------------|----------------|---------------------|
| Mr. Hannum    | Mr. Litchfield | Mr. Tibbits         |
| Mr. Harris    | Mr. Long       | Mr. Van Schoonhoven |
| Mr. Heermans  | Mr. M'Vean     | Mr. Wells           |
| Mr. Horton    | Mr. Mann       | Mr. White           |
| Mr. Humington | Mr. Raymond    | Mr. Worden          |
| Mr. Johnson   | Mr. Rice       | Mr. A. W. Young     |
| Mr. D. Lee    | Mr. Sweeney    | Mr. J. Young 39     |

#### FOR GEORGE S. DOUGHTY. 11

|            |               |             |
|------------|---------------|-------------|
| Mr. Culver | Mr. Mather    | Mr. Oakley  |
| Mr. De Puy | Mr. Mersereau | Mr. Ross    |
| Mr. Hunt   | Mr. Morrison  | Mr. Wheeler |
| Mr. Jarvis | Mr. Moulton   | 11          |

Thereupon, on motion of Mr. Whitney,

*Resolved*, That Hugh Halsey be, and he is hereby nominated on the part of the Assembly, for the office of Surveyor General, in the place of Nathaniel Jones, whose term of office has expired.

Pursuant to title third of the fifth chapter of the first part of the Revised Statutes, and agreeably to the concurrent resolution of the Senate and Assembly, the House proceeded to nominate a Commissary General of this State ; when each member present openly nominated as follows, to wit :

#### FOR HENRY STORMS. 78

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. D. Gould     | Mr. Oakley          |
| Mr. Bagg        | Mr. Gregory      | Mr. Pardee          |
| Mr. Bailey      | Mr. Hall         | Mr. Pierce          |
| Mr. Bevens      | Mr. Harden       | Mr. Porter          |
| Mr. Billings    | Mr. Hazelton     | Mr. Preston         |
| Mr. Boughton    | Mr. Hervey       | Mr. Rogers          |
| Mr. J. Brooks   | Mr. Hine         | Mr. Ross            |
| Mr. M. Brooks   | Mr. Howard       | Mr. Russell         |
| Mr. Brower      | Mr. Hunt         | Mr. Sager           |
| Mr. L. H. Brown | Mr. Jarvis       | Mr. Salisbury       |
| Mr. A. H. Buell | Mr. Jones        | Mr. Searing         |
| Mr. Bunker      | Mr. Kinne        | Mr. Sears           |
| Mr. Burdick     | Mr. Knapp        | Mr. Skelton         |
| Mr. Cameron     | Mr. T. R. Lee    | Mr. A. C. Smith     |
| Mr. Carpenter   | Mr. M'Carthy     | Mr. W. Smith        |
| Mr. Chase       | Mr. M'Donald     | Mr. Speaker         |
| Mr. Comstock    | Mr. M'Key        | Mr. R. L. Stevenson |
| Mr. Constant    | Mr. Mather       | Mr. Strobbridge     |
| Mr. Crain       | Mr. Mersereau    | Mr. Tefft           |
| Mr. Culver      | Mr. C. B. Miller | Mr. Thayer          |
| Mr. Danforth    | Mr. S. Miller    | Mr. Titus           |
| Mr. Dayton      | Mr. Morris       | Mr. Tuthill         |
| Mr. De Puy      | Mr. Morrison     | Mr. Van Valkenburgh |
| Mr. Dickson     | Mr. Moulton      | Mr. Walrath         |
| Mr. Fellows     | Mr. Newkirk      | Mr. Wheeler         |
| Mr. Fonda       | Mr. Niven        | Mr. Whitney 78      |

## FOR ISAAC TELLER.

40

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Barber       | Mr. Field      | Mr. Long            |
| Mr. Betts        | Mr. Frisbee    | Mr. M'Vean          |
| Mr. Bloss        | Mr. Garretson  | Mr. Mann            |
| Mr. Bowen        | Mr. Giffard    | Mr. Raymond         |
| Mr. S. A. Brown  | Mr. G. Goold   | Mr. Rice            |
| Mr. T. Buel      | Mr. Hannum     | Mr. Sweeney         |
| Mr. Bush         | Mr. Harris     | Mr. Tibbitts        |
| Mr. Casner       | Mr. Heermans   | Mr. Van Schoonhoven |
| Mr. Coe          | Mr. Horton     | Mr. Wells           |
| Mr. Collins      | Mr. Huntington | Mr. White           |
| Mr. C. F. Crosby | Mr. Johnson    | Mr. Worden          |
| Mr. E. Crosby    | Mr. D. Lee     | Mr. A. W. Young     |
| Mr. Dewey        | Mr. Litchfield | Mr. J. Young        |
| Mr. Edwards      |                |                     |

40

Thereupon, on motion of Mr. Oakley,

*Resolved*, That Henry Storms be, and he is hereby nominated on the part of this House, for the office of Commissary General, in the place of Henry Storms, whose term of office has expired.

Pursuant to title third of the fifth chapter of the first part of the Revised Statutes of this State, and agreeably to the concurrent resolution of the Senate and Assembly, the House proceeded to nominate a Regent of the University, in the place of Joseph Russell, resigned; and also a Regent of the University, in the place of William Campbell, deceased; when each member present openly nominated as follows:

## FOR MARTIN VAN BUREN AND WILLIAM C. BOUCK. 67

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. Fonda        | Mr. Pierce          |
| Mr. Bagg        | Mr. D. Gould     | Mr. Porter          |
| Mr. Bailey      | Mr. Gregory      | Mr. Preston         |
| Mr. Bevens      | Mr. Hall         | Mr. Rogers          |
| Mr. Billings    | Mr. Harden       | Mr. Russell         |
| Mr. Boughton    | Mr. Hazeltine    | Mr. Sager           |
| Mr. J. Brooks   | Mr. Hervey       | Mr. Salisbury       |
| Mr. M. Brooks   | Mr. Hine         | Mr. Searing         |
| Mr. Brower      | Mr. Howard       | Mr. Sears           |
| Mr. L. H. Brown | Mr. Jones        | Mr. Skelton         |
| Mr. A. H. Buel  | Mr. Kinne        | Mr. A. C. Smith     |
| Mr. Bunker      | Mr. Knapp        | Mr. W. Smith        |
| Mr. Burdick     | Mr. T. R. Lee    | Mr. Speaker         |
| Mr. Cameron     | Mr. M'Carthy     | Mr. R. L. Stevenson |
| Mr. Carpenter   | Mr. M'Donald     | Mr. Sirobridge      |
| Mr. Chase       | Mr. M'Key        | Mr. Tefft           |
| Mr. Comstock    | Mr. C. B. Miller | Mr. Thayer          |
| Mr. Constant    | Mr. S. Miller    | Mr. Titus           |
| Mr. Crain       | Mr. Morris       | Mr. Tutthill        |
| Mr. Danforth    | Mr. Newkirk      | Mr. Van Valkenburgh |
| Mr. Dayton      | Mr. Niven        | Mr. Walrath         |
| Mr. Dickson     | Mr. Pardee       | Mr. Whitney         |
| Mr. Fellows     |                  |                     |

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## FOR JAMES STEVENSON AND DUDLEY SELDEN. 39

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Barber       | Mr. Field      | Mr. Long            |
| Mr. Betts        | Mr. Frisbee    | Mr. M'Vean          |
| Mr. Bloss        | Mr. Garretson  | Mr. Mann            |
| Mr. Bowen        | Mr. Giffard    | Mr. Raymond         |
| Mr. S. A. Brown  | Mr. G. Goold   | Mr. Rice            |
| Mr. Bush         | Mr. Hannum     | Mr. Sweeney         |
| Mr. Casner       | Mr. Harris     | Mr. Tibbits         |
| Mr. Coe          | Mr. Heermans   | Mr. Van Schoonhoven |
| Mr. Collins      | Mr. Horton     | Mr. Wells           |
| Mr. C. F. Crosoy | Mr. Huntington | Mr. White           |
| Mr. E. Crosby    | Mr. Johnson    | Mr. Worden          |
| Mr. Dewey        | Mr. D. Lee     | Mr. A. W. Young     |
| Mr. Edwards      | Mr. Litchfield | Mr. J. Young 39     |

## FOR JOSEPH BLUNT AND BENJAMIN F. COOPER. 11

|            |               |             |
|------------|---------------|-------------|
| Mr. Culver | Mr. Mather    | Mr. Oakley  |
| Mr. De Puy | Mr. Mersereau | Mr. Ross    |
| Mr. Hunt   | Mr. Morrison  | Mr. Wheeler |
| Mr. Jarvis | Mr. Moulton   | 11          |

Thereupon, on motion of Mr. Comstock,

*Resolved*, That Martin Van Buren and William C. Bouck be, and they are hereby nominated on the part of this House, for the office of Regent of the University, in the place of Joseph Russell, resigned, and in the place of William Campbell, deceased.

A copy of a resolution of the Senate was received and read, in the words following, to wit :

*Resolved*, (if the Assembly concur,) That the Senate will immediately meet the Assembly in the Assembly chamber, to compare their respective nominations of Secretary of State, Comptroller, Treasurer, Attorney General, Surveyor General and Commissary General ; and also their nominations of two Regents of the University, in the place of Joseph Russell, resigned, and William Campbell, deceased.

Thereupon,

*Resolved*, That the Assembly will immediately meet the Senate in the Assembly chamber, to compare their respective nominations of Secretary of State, Comptroller, Treasurer, Attorney General, Surveyor General and Commissary General, and two Regents of the University.

*Ordered*, That the Clerk deliver a copy of the preceding resolution to the Senate.

The Senate accordingly attended in the Assembly chamber ; and having withdrawn, Mr. Speaker informed the House, that on comparing the nominations of the Senate and Assembly, they were found to agree in the names of Nathaniel S. Benton for the office of Secretary of State, Azariah C. Flagg for the office of Comptroller, Benjamin Enos for the office of Treasurer, John Van Buren for the office of Attorney General, Hugh Halsey for the office of Surveyor General, and Henry Storms for the office of Commissary General ; and also in the names of Martin



Van Buren and William C. Bouck for the office of Regent of the University, in the place of Joseph Russell, resigned, and William Campbell, deceased.

Thereupon,

*Resolved*, That Nathaniel S. Benton be, and he is hereby appointed Secretary of State of this State.

*Resolved*, That Azariah C. Flagg be, and he is hereby appointed Comptroller of this State.

*Resolved*, That Benjamin Enos be, and he is hereby appointed Treasurer of this State.

*Resolved*, That John Van Buren be, and he is hereby appointed Attorney General of this State.

*Resolved*, That Hugh Halsey be, and he is hereby appointed Surveyor General of this State.

*Resolved*, That Henry Storms be, and he is hereby appointed Commissary General of this State.

*Resolved*, That Martin Van Buren and William C. Bouck be, and they are respectively appointed Regents of the University of this State.

The report of the Canal Board, on the petition of Samuel Hart and William Candee, was received and read.

[See Document No. 55.]

*Ordered*, That the said report be referred to the committee on claims.

The engrossed bill entitled "An act to amend an act entitled 'An act to increase the revenues of the State, by extending the market for salt, coal and lead,' passed April 18th, 1843," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The Chair informed the House, that the engrossed bill from the Senate, entitled "An act to amend an act entitled 'An act to incorporate medical societies, for the purpose of regulating the practice of physic and surgery in this State,' passed April 10th, 1843," which was amended by this House, and passed by a majority vote on Saturday last, was a bill requiring the assent of two-thirds of all the members elected to the Assembly.

Thereupon,

The said bill and amendments were again read.

On motion of Mr. D. Lee,

*Ordered*, That the said bill and amendments be referred to the committee on medical societies and colleges.

Mr. Oakley offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the senators and representatives of this State in Congress be instructed to urge the appropriation for the State Arsenal in New-York city, according to the previous action of Congress and of this State.

*Ordered*, That the said resolution be laid on the table.

Mr. J. Young gave notice that he would, on some future day, ask leave to introduce a bill to amend the charter of the village of Geneseo.

The House then proceeded to the consideration of the resolution heretofore offered by Mr. Bailey, in the words following, to wit :

*Resolved*, That all resolutions and motions now pending, or which may be hereafter introduced, relating to the question of the annexation of Texas to the United States, be referred to the select committee having charge of that subject.

Mr. Worden moved to amend the said resolution, by adding the words "and that the said select committee be instructed to report, on Monday next, favorably to the concurrent resolutions heretofore offered by Mr. Worden, in the words following, to wit :

*Resolved*, (if the Senate concur,) That no power is delegated to the Federal Congress to enter into new political associations or confederacies by which the territory of a foreign government shall become incorporated with the United States ; and that any law, stipulation or arrangement made by Congress to annex Texas to this Union would be a violation of the Constitution.

*Resolved*, (if the Senate concur,) That the acquisition of territory by the Federal Government, for the purpose of strengthening or extending the institution of slavery, would be a perversion of power to objects and purposes unauthorised by the Constitution

*Resolved*, (if the Senate concur,) That the Senators from this State be instructed to vote for the rejection of any treaty to admit Texas into the Union.

*Resolved*, (if the Senate concur,) That our senators from this State be instructed, and our representatives in Congress requested to oppose the admission as a State into the Union, of any territory, without making the prohibition of slavery an indispensable condition of admission."

On motion of Mr. Walrath,

The House then adjourned to eleven o'clock to-morrow morning.

## TUESDAY, FEBRUARY 4, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Harrington.

The minutes of yesterday were read and approved.

The petition of Thomas A. Smith and others of the county of Onondaga, praying for the passage of a law to abolish capital punishment, was read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the county of Cattaraugus, praying for the passage of a law declaring the taking of timber from wild lands to be larceny, was read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the town and village of Saratoga-

Springs in the county of Saratoga, praying for the passage of an act to provide for the appointment of a police justice in said village, was read, and referred to the committee on the judiciary.

The petition of the police officers and others of the city of Troy, praying for the passage of a general law applicable to all the cities of this State, making the fees of constables in said cities conformable to those of constables in the city of Albany, was read, and referred to the committee on the judiciary.

Two several remonstrances of sundry inhabitants of the county of Ulster, against the passage of a law to prevent fishing with drift nets in the Hudson river opposite said county, were read, and referred to the committee on the judiciary.

The remonstrance of sundry inhabitants of the city of New-York, against any increase of the present tax on insurance agencies from other States, was read, and referred to the committee on banks and insurance companies.

Nineteen several petitions of sundry inhabitants of the counties of Otsego and Delaware, praying for the erection of a new county from parts of the counties of Otsego, Delaware and Chenango, with the seat of justice at Unadilla, were read, and referred to the committee on the erection and division of towns and counties.

The petition of Patrick Cooney of the county of Onondaga, praying for relief for canal damages, was read, and referred to the committee on claims.

The petition of sundry inhabitants of the city of Troy, praying for the passage of a law to prevent the trotting and racing of horses on the road from the city of Albany to the village of West-Troy, and to authorise trotting and running on the Bull's Head Course, was read, and referred to the committee on the internal affairs of towns and counties.

The petition of the officers of the Canandaigua Literary Association, praying for an act of incorporation, was read, and referred to the committee on colleges, academies and common schools.

The petition of sundry inhabitants of the county of Madison, praying for the passage of a law abolishing the office of county superintendent of common schools, was read, and referred to the committee on colleges, academies and common schools.

The petition of sundry inhabitants of the county of Columbia, praying for the repeal of the law authorising the appointment of county superintendents of common schools, was read, and referred to the committee on colleges, academies and common schools.

The petition of sundry inhabitants of the county of Delaware, praying for the incorporation of a company to construct a turnpike road through the village of Hobart in the said county, was read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the county of St. Lawrence, praying for the construction of a road from the Russel turnpike to the Ausable river, was read, and referred to the committee on roads and bridges.

The petition of the directors of the Institution for the instruction of deaf and dumb in the city of New-York, praying for a continuance of



the appropriation now allowed by law for the benefit of said institution, was read, and referred to the committee on charitable and religious societies.

The petition of J. K. Rodgers and other members of the medical profession in the city of New-York, praying that aid may be granted to the College of Physicians and Surgeons in said city, was read, and referred to the committee on medical societies and colleges.

Two several petitions of sundry inhabitants of the county of Delaware, praying for relief on the subject of landlord and tenant, were read, and referred to a select committee.

Six several petitions of sundry inhabitants of the counties of Cortland, Cayuga, Allegany, Schenectady and Jefferson, praying for a change in the license law, were read, and referred to the select committee on that subject.

The petition of sundry inhabitants of the city of Troy, praying for the passage of a law to suppress licentiousness, was read, and referred to the committee of the whole when on the bill upon that subject.

Two several remonstrances of sundry inhabitants of the county of Cayuga, against the repeal of the law recently passed to prevent the taking of fish in the Owasco lake, were read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Delaware, praying for the passage of a law authorising the New-York and Erie Railroad Company to direct the route of their road through the counties of Pike and Susquehanna in the State of Pennsylvania, was read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of sundry inhabitants of the county of Sullivan, against the New-York and Erie railroad being located out of the State, was read, and referred to the committee of the whole when on the bill upon that subject.

The petition of the trustees of the Oneida Conference Seminary in the town of Cazenovia in the county of Madison, praying for the more equal distribution of the Literature fund, was read, and referred to the committee of the whole when on the bill upon that subject.

Mr. Tefft, from the committee on claims, to which was referred the petition of Ira Pearsons and others, praying for relief, reported in writing, and asked leave to bring in a bill.

[See Document No. 52.]

Leave being granted, Mr. Tefft accordingly brought in the said bill, entitled "An act to amend an act entitled 'An act for the relief of Ira Pearsons and Ira Pearsons junior,' passed March 23d, 1844;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Tefft, from the committee on claims, to which was referred the petition of William Rockwell and others, praying for the passage of a law for the appraisal of damages sustained by said Rockwell, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Tefft accordingly brought in the said bill, entitled "An act for the relief of George Gardner and others ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Tefft, from the committee on claims, to which was referred the petition of John Merriam and others, praying for relief, reported in writing, and concluded by offering the following resolution, to wit :

*Resolved*, 'That the prayer of the petitioners ought not to be granted.

[ *See Document No. 74.* ]

Mr. J. Young moved to lay the said resolution on the table.

Mr. Speaker put the question whether the House would agree to the said motion, and it was determined in the affirmative.

Mr. M'Carthy, from the committee on the petitions of aliens, to which was referred the petition of Edwin Whitney, praying for relief, reported favorably to the prayer of the petitioner, and asked leave to bring in a bill.

Leave being granted, Mr. M'Carthy accordingly brought in the said bill, entitled "An act for the relief of Edwin Whitney ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Ross, from the committee on the incorporation of cities and villages, to which was referred the petition of sundry inhabitants of the village of Geddes in the county of Onondaga, praying for an amendment of the charter of said village, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Ross accordingly brought in the said bill, entitled "An act to amend the act entitled 'An act to incorporate the village of Geddes ;' " which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Titus, from the committee on trade and manufactures, to which was referred the petitions relative to the Herkimer Hydraulic Company, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Titus accordingly brought in the said bill, entitled "An act to amend the charter of the Herkimer Hydraulic Company ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Whitney, from the committee on medical societies and colleges, to which was referred the engrossed bill from the Senate, entitled "An act to amend an act entitled 'An act to incorporate medical societies, for the purpose of regulating the practice of physic and surgery in this State,' passed April 10th, 1813," with the engrossed amendments, reported, that the committee had examined the said bill and amendments, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill do have its third reading.

Mr. T. R. Lee, from the committee on the judiciary, to which was

referred the several petitions praying for a reduction of the fees of lawyers, etc., reported the following resolution, to wit :

*Resolved*, That the committee on the judiciary be discharged from the consideration of the several petitions praying for a reduction of the fees, and that the same be referred to a select committee.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the bill entitled "An act relative to records and proceedings of courts and public officers kept in books," reported unfavorably to the passage of the same into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the bill entitled "An act to extend the jurisdiction of the circuit judge of the first circuit in hearing non-enumerated motions," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the petition of Philip Lazell of the town of Stockton in the county of Chautauque, praying for a confirmation of his official acts as a justice of the peace, reported favorably to the prayer of the petitioner, and asked leave to bring in a bill.

Leave being granted, Mr. T. R. Lee accordingly brought in the said bill, entitled "An act to confirm the official acts of Philip Lazell, a justice of the peace;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Danforth, from the committee on grievances, to which was referred the petition of Lyman Allen, praying for relief against certain impositions practised upon him, reported, that the committee had examined the said petition, and concluded to offer the following resolution :

*Resolved*, That the committee on the judiciary be discharged from the further consideration of the petition of Lyman Allen.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Boughton, from the committee on grievances, to which was referred the petition of Patrick Fitzsimmons and James Brady, praying for relief, reported in writing, and asked leave to bring in a bill.

[See Document No. 56.]

Leave being granted, Mr. Boughton accordingly brought in the said bill, entitled "An act for the relief of Patrick Fitzsimmons and James Brady;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. T. R. Lee, from the committee on the judiciary, to which was



referred the petition of Sylvanus Gage and Benjamin Elijah Hinman, praying for the passage of an act to change the name of said Hinman, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. T. R. Lee accordingly brought in the said bill, entitled "An act to change the name of Benjamin Elijah Hinman to Benjamin Elijah Gage;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Garretson, from the select committee to which was referred the numerous petitions praying for a modification of the excise law, reported in writing, and asked leave to bring in two several bills.

[See Document No. 50.]

Leave being granted, Mr. Garretson accordingly brought in the bill entitled "An act relative to the sale of spirituous liquors in the city of New-York," and the bill entitled "An act relating to excise and to licensing retailers of intoxicating liquors;" which were severally read the first time, and by unanimous consent were also read a second time, and committed to a committee of the whole house.

On motion of Mr. Russell,

*Ordered*, That ten times the usual number of copies of said report be printed for the use of the Legislature.

The House then proceeded to the consideration of the engrossed bill from the Senate, entitled "An act to amend the thirty-fifth section of chapter ninth, title third, article first of the Revised Statutes, relating to writs of error and appeals."

On motion of Mr. Comstock,

*Ordered*, That the said bill be recommitted to the committee on the judiciary.

The engrossed bill from the Senate, entitled "An act to amend an act entitled 'An act to incorporate medical societies, for the purpose of regulating the practice of physic and surgery in this State,' passed April 10th, 1813," with the engrossed amendments, was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill and amendments, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 114 }  
{ NAYS 00 }

Those who voted in the affirmative are

|              |              |             |
|--------------|--------------|-------------|
| Mr. Bachman  | Mr. D. Gould | Mr. Oakley  |
| Mr. Bagg     | Mr. G. Gould | Mr. Pardee  |
| Mr. Barber   | Mr. Gregory  | Mr. Pierce  |
| Mr. Bevens   | Mr. Hall     | Mr. Porter  |
| Mr. Billings | Mr. Hannum   | Mr. Preston |



|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Blake        | Mr. Harden       | Mr. Raymond         |
| Mr. Bloss        | Mr. Harris       | Mr. Rice            |
| Mr. Bowen        | Mr. Hazelton     | Mr. Rogers          |
| Mr. J. Brooks    | Mr. Heermans     | Mr. Ross            |
| Mr. M. Brooks    | Mr. Hervey       | Mr. Russell         |
| Mr. Brower       | Mr. Hine         | Mr. Sager           |
| Mr. L. H. Brown  | Mr. Horton       | Mr. Salisbury       |
| Mr. S. A. Brown  | Mr. Howard       | Mr. Searing         |
| Mr. A. H. Buel   | Mr. Hunt         | Mr. Sears           |
| Mr. T. Buel      | Mr. Huntington   | Mr. A. C. Smith     |
| Mr. Bunker       | Mr. Jarvis       | Mr. W. Smith        |
| Mr. Burdick      | Mr. Johnson      | Mr. Speaker         |
| Mr. Bush         | Mr. Jones        | Mr. R. L. Stevenson |
| Mr. Cameron      | Mr. Kinne        | Mr. Strobbridge     |
| Mr. Carpenter    | Mr. Knapp        | Mr. Sweeney         |
| Mr. Casner       | Mr. D. Lee       | Mr. Tefft           |
| Mr. Coe          | Mr. T. R. Lee    | Mr. Thayer          |
| Mr. Collins      | Mr. Litchfield   | Mr. Thompson        |
| Mr. Comstock     | Mr. Long         | Mr. Tibbits         |
| Mr. Crain        | Mr. M'Carthy     | Mr. Titus           |
| Mr. C. F. Crosby | Mr. M'Donald     | Mr. Tuthill         |
| Mr. E. Crosby    | Mr. M'Key        | Mr. Van Schoonhoven |
| Mr. Culver       | Mr. M'Vean       | Mr. Van Valkenburgh |
| Mr. Dayton       | Mr. Mann         | Mr. Walrath         |
| Mr. De Puy       | Mr. Mather       | Mr. Wells           |
| Mr. Dewey        | Mr. Mersereau    | Mr. Wheeler         |
| Mr. Dickson      | Mr. C. B. Miller | Mr. White           |
| Mr. Edwards      | Mr. S. Miller    | Mr. Whitney         |
| Mr. Fellows      | Mr. Morris       | Mr. Worden          |
| Mr. Field        | Mr. Morrison     | Mr. Wyckoff         |
| Mr. Fonda        | Mr. Moulton      | Mr. Wynant          |
| Mr. Frisbee      | Mr. Newkirk      | Mr. A. W. Young     |
| Mr. Giffard      | Mr. Niven        | Mr. J. Young        |

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*Ordered,* That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same with the amendments thereto therewith delivered.

On motion of Mr. Howard,

The engrossed bill from the Senate, entitled "An act in relation to moneys raised for the support of the town poor in the county of Lewis," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.

*Ordered,* That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

On motion of Mr. De Puy,

*Resolved,* That the committee on the judiciary be instructed to inquire and report to this House by bill or otherwise, whether the admitting persons to bail, charged with offences punishable by imprisonment in the State prison, and whose crimes are manifest, is authorised by the

existing laws ; and if so, whether the law in this respect ought not to be amended, and rendered so plain and certain as to prevent the bailing of such persons as shall hereafter commit felonies or crimes punishable by imprisonment in the State prison, and manifestly guilty : And also that the said committee inquire and report to this House, whether the writ of habeas corpus has not been perverted from its true ends and objects by officers entrusted with its execution, to the enlargement from prison of notorious felons, by admitting them to bail oftentimes insufficient, and often when not bailable, whereby many of such felons have escaped punishment, and impunity has thus been afforded to high crimes, to the great detriment of public morals, and tending to the increase of crimes.

On motion of Mr. Dickson,

*Resolved*, That the Clerk of this House transmit a respectful message to the Senate, informing them that the bill entitled "An act to amend an act entitled 'An act to incorporate medical societies, for the purpose of regulating the practice of physic and surgery in this State,' passed April 10th, 1813," is, in the opinion of this House, a two-third bill ; and that the Honorable the Senate be requested to pass said bill by a two-third vote.

Pursuant to title third of the fifth chapter of the first part of the Revised Statutes of this State, and agreeably to the concurrent resolution of the Senate and Assembly, the House proceeded to nominate a Senator to represent this State in the Senate of the Congress of the United States ; when each member present openly nominated as follows :

# FOR DANIEL S. DICKINSON.

65

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. D. Gould     | Mr. Porter          |
| Mr. Bagg        | Mr. Gregory      | Mr. Preston         |
| Mr. Bevens      | Mr. Hall         | Mr. Rogers          |
| Mr. Billings    | Mr. Harden       | Mr. Russell         |
| Mr. Boughton    | Mr. Hazeltin     | Mr. Sager           |
| Mr. J. Brooks   | Mr. Hervey       | Mr. Salisbury       |
| Mr. M. Brooks   | Mr. Hine         | Mr. Searing         |
| Mr. Brower      | Mr. Howard       | Mr. Sears           |
| Mr. L. H. Brown | Mr. Jones        | Mr. Skelton         |
| Mr. A. H. Buell | Mr. Kinne        | Mr. A. C. Smith     |
| Mr. Bunker      | Mr. Knapp        | Mr. W. Smith        |
| Mr. Burdick     | Mr. T. R. Lee    | Mr. Speaker         |
| Mr. Cameron     | Mr. M'Carthy     | Mr. R. L. Stevenson |
| Mr. Carpenter   | Mr. M'Donald     | Mr. Strobbridge     |
| Mr. Chase       | Mr. M'Key        | Mr. Tefft           |
| Mr. Comstock    | Mr. C. B. Miller | Mr. Thayer          |
| Mr. Crain       | Mr. S. Miller    | Mr. Titus           |
| Mr. Danforth    | Mr. Morris       | Mr. Tuthill         |
| Mr. Dayton      | Mr. Newkirk      | Mr. Van Valkenburgh |
| Mr. Dickson     | Mr. Niven        | Mr. Walrath         |
| Mr. Fellows     | Mr. Pardee       | Mr. Whitney         |
| Mr. Fonda       | Mr. Pierce       |                     |

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## FOR JOHN C. CLARK.

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|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Barber       | Mr. Field      | Mr. M'Vean          |
| Mr. Betts        | Mr. Frisbee    | Mr. Mann            |
| Mr. Bloss        | Mr. Giffard    | Mr. Raymond         |
| Mr. Bowen        | Mr. G. Goold   | Mr. Rice            |
| Mr. S. A. Brown  | Mr. Hannum     | Mr. Sherman         |
| Mr. T. Buel      | Mr. Harris     | Mr. Sweeney         |
| Mr. Bush         | Mr. Heermans   | Mr. Tibbits         |
| Mr. Casner       | Mr. Horton     | Mr. Van Schoonhoven |
| Mr. Coe          | Mr. Huntington | Mr. Wells           |
| Mr. Collins      | Mr. Johnson    | Mr. White           |
| Mr. C. F. Crosby | Mr. D. Lee     | Mr. Worden          |
| Mr. E. Crosby    | Mr. Litchfield | Mr. A. W. Young     |
| Mr. Dewey        | Mr. Long       | Mr. J. Young        |
| Mr. Edwards      |                |                     |

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## FOR ROBERT TAYLOR.

15

|            |               |              |
|------------|---------------|--------------|
| Mr. Blake  | Mr. Mather    | Mr. Ross     |
| Mr. Culver | Mr. Mersereau | Mr. Thompson |
| Mr. De Puy | Mr. Morrison  | Mr. Wheeler  |
| Mr. Hunt   | Mr. Moulton   | Mr. Wyckoff  |
| Mr. Jarvis | Mr. Oakley    | Mr. Wynth    |

15

Thereupon,

Mr. Speaker declared that Daniel S. Dickinson, having been nominated by a majority of the members present, was duly nominated for the office of Senator in the Congress of the United States from the State of New-York, on the part of the Assembly.

A copy of a resolution of the Senate was received and read, in the words following, to wit :

*Resolved*, (if the Assembly concur,) That the Senate will immediately meet the Assembly in the Assembly chamber, to compare their respective nominations for the office of Senator in the Congress of the United States.

Thereupon,

*Resolved*, That the Assembly will immediately meet the Senate in the Assembly chamber, to compare their respective nominations of Senator in the Congress of the United States.

*Ordered*, That the Clerk deliver a copy of the preceding resolution to the Senate.

The Senate accordingly attended in the Assembly chamber ; and having withdrawn, Mr. Speaker informed the House, that on comparing the nominations of the Senate and Assembly, they were found to agree in the name of Daniel S. Dickinson to represent this State in the Senate of the Congress of the United States.

Thereupon,

Mr. Speaker declared Daniel S. Dickinson to be duly chosen by the Legislature, a Senator to represent the State of New-York in the Senate of the Congress of the United States, for the term of six years from the fourth day of March, 1845.

In pursuance of previous notice, Mr. Hine asked for and obtained leave to bring in a bill, entitled "An act to repeal the court of special sessions, and to reduce town and county expenses;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the internal affairs of towns and counties.

Mr. D. Gould gave notice that he would, at an early day, ask leave to introduce a bill in relation to an act entitled "An act in relation to the State Prison at Auburn."

On motion of Mr. Bloss,

*Resolved*, That the petition and papers relating to the claim of Oliver Culver against the State, be taken from the files of the house, and referred to the committee on claims.

Mr. Crain gave notice that he would, at some future day, ask leave to introduce a bill submitting the question of convention or no convention to the people of this State.

The House then proceeded to the consideration of the resolution heretofore offered by Mr. Van Valkenburgh, in the words following :

*Resolved*, (if the Honorable the Senate concur herein,) That pursuant to the twelfth section of the act incorporating the New-York and Erie Railroad Company, the consent of the Legislature be and is hereby granted, allowing said company to connect the railroad authorised by the said act, with a continuation of about sixteen miles of the line thereof into the State of Pennsylvania, around the great bend of the Susquehannah; and also to connect the same with a continuation of not exceeding twenty-five miles of the line thereof into the said State of Pennsylvania, along the southerly side of the Delaware river in the county of Pike, opposite to, and in order to avoid all interference with the canal of the Delaware and Hudson Canal Company; and also to connect their said railroad with the Blossburgh and Corning railroad, at the intersection thereof in the village of Corning; provided that the line of the said railroad shall, as heretofore contemplated, pass through the villages of Deposit in Delaware and Binghamton in Broome counties.

Mr. Morris moved to lay the said resolution on the table.

Mr. Speaker put the question whether the House would agree to the said motion, and it was determined in the affirmative.

In pursuance of previous notice, Mr. Thayer asked for and obtained leave to bring in a bill, entitled "An act to confirm the official acts of Birdseye Norton, a justice of the peace;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

On motion of Mr. Van Schoonhoven,

The House then proceeded to the consideration of the resolutions heretofore offered by Mr. Harris, in the words following, to wit :

*Resolved*, That the directors or trustees of the Troy and Greenbush Railroad Association, applying for an act of incorporation, communicate to this House a copy of the agreement between them and the New-York and Albany Railroad Company, referred to in their application; also of their articles of association, with the names of the stockholders on the first day of January instant, the amount of stock held by each, and the place of residence of each of said stockholders.



*Resolved*, That the said directors or trustees be requested to report to this House, whether, since the said association was formed, they have caused any proceedings to be had for acquiring title to any lands ; and whether they have in any, and how many cases, instituted such proceedings, and caused damages to be assessed under the act incorporating the New-York and Albany Railroad Company ; and in how many and what cases, if any, have the proceedings and verdict of the jury been filed in the office of the county clerk ; and in how many and what cases, after the assessment of damages by a jury, have the said association obtained deeds from the owners of the land ; and whether such deeds, and which of them, if any, have been taken to the New-York and Albany Railroad Company, or to what individuals by name ; and under what trust, if any, and in how many and what cases has title to any lands, for the track of the said railroad, been vested in the New-York and Albany Railroad Company as grantees named in the deed of conveyance.

Mr. Van Schoonhoven moved to amend the said resolutions, by adding to the last the words "And said communications and reports, required by this and the foregoing resolution, shall be made by said directors and trustees under the oath or oaths of one or more of the said directors or trustees, or of the officers or agents of said association."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Van Schoonhoven, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to the said resolutions, as amended, and it was determined in the affirmative.

The House then proceeded to the consideration of the resolution heretofore offered by Mr. Bailey, in the words following, to wit :

*Resolved*, That all resolutions and motions now pending, or which may be hereafter introduced, relating to the question of the annexation of Texas to the United States, be referred to the select committee having charge of that subject.

The question recurred on agreeing to the amendment offered by Mr. Worden to the said resolution, in the words following, to wit :

Add the words "and that the said select committee be instructed to report, on Monday next, favorably to the concurrent resolutions heretofore offered by Mr. Worden, in the words following, to wit :

*Resolved*, (if the Senate concur,) That no power is delegated to the Federal Congress to enter into new political associations or confederacies by which the territory of a foreign government shall become incorporated with the United States ; and that any law, stipulation or arrangement made by Congress to annex Texas to this Union would be a violation of the Constitution.

*Resolved*, (if the Senate concur,) That the acquisition of territory by the Federal Government, for the purpose of strengthening or extending the institution of slavery, would be a perversion of power to objects and purposes unauthorised by the Constitution

*Resolved*, (if the Senate concur,) That the Senators from this State be instructed to vote for the rejection of any treaty to admit Texas into the Union.

*Resolved*, (if the Senate concur,) That our senators from this State be instructed, and our representatives in Congress requested to oppose the admission as a State into the Union, of any territory, without making the prohibition of slavery an indispensable condition of admission."

Debates were had thereon ; when

Mr. J. Young moved that the House do now adjourn.

Mr. Speaker put the question whether the House would agree to the said motion, and it was determined in the negative.

{ AYES 54 }  
{ NAYS 59 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Bachman      | Mr. Dickson    | Mr. Mann            |
| Mr. Barber       | Mr. Edwards    | Mr. Mather          |
| Mr. Betts        | Mr. Field      | Mr. Moulton         |
| Mr. Blake        | Mr. Frisbee    | Mr. Oakley          |
| Mr. Bloss        | Mr. Garretson  | Mr. Raymond         |
| Mr. Bowen        | Mr. Giffard    | Mr. Rice            |
| Mr. S. A. Brown  | Mr. G. Goold   | Mr. Sherman         |
| Mr. A. H. Buel   | Mr. Hannum     | Mr. Sweeney         |
| Mr. T. Buel      | Mr. Harris     | Mr. Thompson        |
| Mr. Bush         | Mr. Heermans   | Mr. Van Schoonhoven |
| Mr. Casner       | Mr. Horton     | Mr. Walrath         |
| Mr. Chase        | Mr. Hunt       | Mr. Wells           |
| Mr. Coe          | Mr. Jarvis     | Mr. Wheeler         |
| Mr. Collins      | Mr. Johnson    | Mr. White           |
| Mr. Crain        | Mr. D. Lee     | Mr. Wilcox          |
| Mr. C. F. Crosoy | Mr. Litchfield | Mr. Wyckoff         |
| Mr. De Puy       | Mr. Long       | Mr. A. W. Young     |
| Mr. Dewey        | Mr. M'Vean     | Mr. J. Young        |

54

Those who voted in the negative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bagg        | Mr. Harden       | Mr. Preston         |
| Mr. Bevens      | Mr. Hazelton     | Mr. Rogers          |
| Mr. Billings    | Mr. Hervey       | Mr. Russell         |
| Mr. Boughton    | Mr. Hine         | Mr. Sager           |
| Mr. J. Brooks   | Mr. Howard       | Mr. Salisbury       |
| Mr. M. Brooks   | Mr. Jones        | Mr. Searing         |
| Mr. Brower      | Mr. Kinne        | Mr. Sears           |
| Mr. L. H. Brown | Mr. Knapp        | Mr. Skelton         |
| Mr. Bunker      | Mr. T. R. Lee    | Mr. A. C. Smith     |
| Mr. Burdick     | Mr. M'Carthy     | Mr. W. Smith        |
| Mr. Cameron     | Mr. M'Donald     | Mr. Speaker         |
| Mr. Carpenter   | Mr. M'Key        | Mr. R. L. Stevenson |
| Mr. Comstock    | Mr. C. B. Miller | Mr. Strobridge      |

|              |               |                     |
|--------------|---------------|---------------------|
| Mr. Danforth | Mr. S. Miller | Mr. Tefft           |
| Mr. Dayton   | Mr. Morris    | Mr. Thayer          |
| Mr. Fellows  | Mr. Newkirk   | Mr. Titus           |
| Mr. Fonda    | Mr. Niven     | Mr. Tuthill         |
| Mr. D. Gould | Mr. Pardee    | Mr. Van Valkenburgh |
| Mr. Gregory  | Mr. Pierce    | Mr. Waitney         |
| Mr. Hall     | Mr. Porter    |                     |

59

Mr. Comstock moved the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Mr. Speaker stated the question to be, whether the House would agree to the resolution offered by Mr. Bailey, in the words following :

*Resolved*, That the resolutions and notices now pending, or which may be hereafter introduced, relating to the question of the annexation of Texas to the United States, be referred to the select committee having charge of that subject.

Mr. D. Lee called for a division of the question.

Thereupon,

Mr. Speaker put the question whether the House would agree to to so much of the said resolution as relates to resolutions and notices now pending, and it was determined in the affirmative.

{ AYES 64 }  
{ NAYS 48 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. D. Gould     | Mr. Porter          |
| Mr. Bagg        | Mr. Gregory      | Mr. Preston         |
| Mr. Bevens      | Mr. Hall         | Mr. Rogers          |
| Mr. Billings    | Mr. Harden       | Mr. Russell         |
| Mr. Boughton    | Mr. Hazelton     | Mr. Sager           |
| Mr. J. Brooks   | Mr. Hervey       | Mr. Salisbury       |
| Mr. M. Brooks   | Mr. Hine         | Mr. Searing         |
| Mr. Brower      | Mr. Howard       | Mr. Sears           |
| Mr. L. H. Brown | Mr. Jones        | Mr. Skelton         |
| Mr. A. H. Buel  | Mr. Kinne        | Mr. A. C. Smith     |
| Mr. Bunker      | Mr. Knapp        | Mr. W. Smith        |
| Mr. Burdick     | Mr. T. R. Lee    | Mr. Speaker         |
| Mr. Cameron     | Mr. M'Carthy     | Mr. R. L. Stevenson |
| Mr. Carpenter   | Mr. M'Donald     | Mr. Strobidge       |
| Mr. Comstock    | Mr. C. B. Miller | Mr. Tefft           |
| Mr. Crain       | Mr. S. Miller    | Mr. Thayer          |
| Mr. Danforth    | Mr. Morris       | Mr. Titus           |
| Mr. Dayton      | Mr. Newkirk      | Mr. Tuthill         |
| Mr. Dickson     | Mr. Niven        | Mr. Van Valkenburgh |
| Mr. Fellows     | Mr. Pardee       | Mr. Walrath         |
| Mr. Fonda       | Mr. Pierce       | Mr. Whitney         |

63

Those who voted in the negative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Barber       | Mr. Field      | Mr. Mann            |
| Mr. Betts        | Mr. Frisbee    | Mr. Mather          |
| Mr. Blake        | Mr. Garretson  | Mr. Moulton         |
| Mr. Bloss        | Mr. Giffard    | Mr. Oakley          |
| Mr. Bowen        | Mr. G. Goold   | Mr. Raymond         |
| Mr. S. A. Brown  | Mr. Hannum     | Mr. Rice            |
| Mr. T. Buel      | Mr. Harris     | Mr. Sherman         |
| Mr. Bush         | Mr. Heermans   | Mr. Sweeney         |
| Mr. Casner       | Mr. Horton     | Mr. Thompson        |
| Mr. Chase        | Mr. Hunt       | Mr. Van Schoonhoven |
| Mr. Coe          | Mr. Jarvis     | Mr. Wells           |
| Mr. Collins      | Mr. Johnson    | Mr. Wheeler         |
| Mr. C. F. Crosby | Mr. D. Lee     | Mr. White           |
| Mr. De Puy       | Mr. Litchfield | Mr. Wilcox          |
| Mr. Dewey        | Mr. Long       | Mr. A. W. Young     |
| Mr. Edwards      | Mr. M'Vean     | Mr. J. Young        |

48

Mr. Speaker then stated the question to be, whether the House would agree to the remaining portion of said resolution, relative to resolutions and notices hereafter to be introduced.

Mr. J. Young objected to the said question being put, on the ground that the said portion of the resolution, if adopted, would be a violation of the standing rules of the house.

The Chair decided that the resolution, if adopted, would not be a violation of the rules of the house.

Mr. J. Young appealed from the decision of the chair.

Mr. Speaker put the the question, "Shall the decision of the Chair stand as the judgment of the House?" and it was determined in the affirmative.

} AYES 67 }  
 } NAYS 40 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |              |                 |
|-----------------|--------------|-----------------|
| Mr. Bachman     | Mr. D. Gould | Mr. Porter      |
| Mr. Bagg        | Mr. Gregory  | Mr. Preston     |
| Mr. Bevens      | Mr. Hall     | Mr. Rogers      |
| Mr. Billings    | Mr. Harden   | Mr. Russell     |
| Mr. Blake       | Mr. Hazelton | Mr. Sager       |
| Mr. Boughton    | Mr. Hervey   | Mr. Salisbury   |
| Mr. J. Brooks   | Mr. Hine     | Mr. Searing     |
| Mr. M. Brown    | Mr. Howard   | Mr. Sears       |
| Mr. Brower      | Mr. Jones    | Mr. Skelton     |
| Mr. L. H. Brown | Mr. Kinne    | Mr. A. C. Smith |
| Mr. A. H. Buel  | Mr. Knapp    | Mr. W. Smith    |



|               |                  |                     |
|---------------|------------------|---------------------|
| Mr. Bunker    | Mr. T. R. Lee    | Mr. R. L. Stevenson |
| Mr. Burdick   | Mr. M'Carthy     | Mr. Strobbridge     |
| Mr. Cameron   | Mr. M'Donald     | Mr. Tefft           |
| Mr. Carpenter | Mr. M'Key        | Mr. Thayer          |
| Mr. Chase     | Mr. C. B. Miller | Mr. Thompson        |
| Mr. Comstock  | Mr. S. Miller    | Mr. Titus           |
| Mr. Crain     | Mr. Morris       | Mr. Tuthill         |
| Mr. Danforth  | Mr. Newkirk      | Mr. Van Valkenburgh |
| Mr. Dayton    | Mr. Niven        | Mr. Walrath         |
| Mr. Dickson   | Mr. Pardee       | Mr. Wheeler         |
| Mr. Fellows   | Mr. Pierce       | Mr. Whitney         |
| Mr. Fonda     |                  |                     |

67

Those who voted in the negative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Barber       | Mr. Field      | Mr. Mann            |
| Mr. Betts        | Mr. Frisbee    | Mr. Moulton         |
| Mr. Bloss        | Mr. Giffard    | Mr. Oakley          |
| Mr. Bowen        | Mr. G. Goold   | Mr. Raymond         |
| Mr. S. A. Brown  | Mr. Hannum     | Mr. Rice            |
| Mr. T. Buel      | Mr. Harris     | Mr. Sherman         |
| Mr. Bush         | Mr. Heermans   | Mr. Sweeney         |
| Mr. Casner       | Mr. Horton     | Mr. Van Schoonhoven |
| Mr. Coe          | Mr. Johnson    | Mr. Wells           |
| Mr. Collins      | Mr. D. Lee     | Mr. White           |
| Mr. C. F. Crosby | Mr. Litchfield | Mr. Wilcox          |
| Mr. De Puy       | Mr. Long       | Mr. A. W. Young     |
| Mr. Dewey        | Mr. M'Vean     | Mr. J. Young        |
| Mr. Edwards      |                |                     |

40

Thereupon,

Mr. Speaker put the question whether the House would agree to the remaining portion of the said resolution offered be Mr. Bailey, and it was determined in the affirmative.

{ AYES 66 }  
{ NAYS 48 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|               |              |               |
|---------------|--------------|---------------|
| Mr. Bachman   | Mr. Fonda    | Mr. Pierce    |
| Mr. Bagg      | Mr. D. Gould | Mr. Porter    |
| Mr. Bevins    | Mr. Gregory  | Mr. Preston   |
| Mr. Billings  | Mr. Hall     | Mr. Rogers    |
| Mr. Boughton  | Mr. Harden   | Mr. Russell   |
| Mr. J. Brooks | Mr. Hazelton | Mr. Sager     |
| Mr. M. Brooks | Mr. Hervey   | Mr. Salisbury |
| Mr. Brower    | Mr. Hine     | Mr. Searing   |

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. L. H. Brown | Mr. Howard       | Mr. Sears           |
| Mr. A. H. Buel  | Mr. Jones        | Mr. Skelton         |
| Mr. Bunker      | Mr. Kinne        | Mr. A. C. Smith     |
| Mr. Burdick     | Mr. Knapp        | Mr. W. Smith        |
| Mr. Cameron     | Mr. T. R. Lee    | Mr. Speaker         |
| Mr. Carpenter   | Mr. M'Carthy     | Mr. R. L. Stevenson |
| Mr. Chase       | Mr. M'Donald     | Mr. Strobridge      |
| Mr. Coe         | Mr. M'Key        | Mr. Tefft           |
| Mr. Comstock    | Mr. C. B. Miller | Mr. Thayer          |
| Mr. Crain       | Mr. S. Miller    | Mr. Titus           |
| Mr. Danforth    | Mr. Morris       | Mr. Tuthill         |
| Mr. Dayton      | Mr. Newkirk      | Mr. Van Valkenburgh |
| Mr. Dickson     | Mr. Niven        | Mr. Walrath         |
| Mr. Fellows     | Mr. Pardee       | Mr. Whitney 66      |

Those who voted in the negative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Barber       | Mr. Garretson  | Mr. Moulton         |
| Mr. Blake        | Mr. Giffard    | Mr. Oakley          |
| Mr. Bloss        | Mr. G. Goold   | Mr. Raymond         |
| Mr. Bowen        | Mr. Hannum     | Mr. Rice            |
| Mr. S. A. Brown  | Mr. Harris     | Mr. Sherman         |
| Mr. T. Buel      | Mr. Heermans   | Mr. Sweeney         |
| Mr. Bush         | Mr. Horton     | Mr. Thompson        |
| Mr. Casner       | Mr. Hunt       | Mr. Van Schoonhoven |
| Mr. Collins      | Mr. Jarvis     | Mr. Wells           |
| Mr. C. F. Crosby | Mr. Johnson    | Mr. Wheeler         |
| Mr. E. Crosby    | Mr. D. Lee     | Mr. White           |
| Mr. De Puy       | Mr. Litchfield | Mr. Wilcox          |
| Mr. Dewey        | Mr. Long       | Mr. Worden          |
| Mr. Edwards      | Mr. M'Vean     | Mr. Wyckoff         |
| Mr. Field        | Mr. Mann       | Mr. A. W. Young     |
| Mr. Frisbee      | Mr. Mather     | Mr. J. Young 48     |

Mr. Coe moved a reconsideration of the vote on the said resolution.  
*Ordered*, That the said motion be laid on the table.

*Ordered*, That Mr. Bailey have leave of absence for seven days, Mr. Constant for seven days, Mr. Jarvis for four days, Mr. Boughton for eight days, Mr. Whitney for eight days, Mr. Ross for ten days, Mr. Kinne for six days, Mr. Jones for eight days, Mr. Spring for four days, Mr. Titus for six days, Mr. Crain for seven days, Mr. Dickson for three days, Mr. Mersereau for twelve days, Mr. Oakley for seven days, and Mr. E. Crosby for fourteen days.

On motion of Mr. Van Schoonhoven,

The House then adjourned to eleven o'clock to-morrow morning.

## WEDNESDAY, FEBRUARY 5, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Hoes.

The minutes of yesterday were read and approved.

The petition of sundry inhabitants of the county of Sullivan, praying for the passage of a law to reduce the rate of interest, was read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the county of Albany, praying for relief, and that the fees allowed to petit jurors and witnesses be increased, was read, and referred to the committee on the judiciary.

The petition of Richard Heyworth of the town of Peru in the county of Clinton, praying for relief, was read, and referred to the committee on the judiciary.

The petition of G. B. Rich and others of the city of Buffalo, praying for an amendment of the law chartering the Mutual Insurance Company in said city, was read, and referred to the committee on banks and insurance companies.

The petition of the mechanics and other citizens of the city of Troy, praying for an amendment of the act entitled "An act for the better security of mechanics and others," passed May 7th, 1844, was read, referred to the committee on trade and manufactures.

The petition of James R. Rees of the county of Wayne, praying for the passage of a law to authorise the erection of a bridge across the canal at the village of Clyde in said county, was read, and referred to the committee on canals.

The petition of Z. P. Gillett of the county of Ontario, praying for relief, on account of the failure of the title of the State to a lot of land purchased by the petitioner, was read, and referred to the committee on grievances.

The petition of sundry inhabitants of the county of Tioga, praying the Legislature to grant the New-York and Erie Railroad Company the privilege to change the location of their road at certain points, was read, and referred to the committee on railroads.

Four several remonstrances of sundry inhabitants of the counties of Otsego, Delaware, Broome and Sullivan, against allowing the New-York and Erie Railroad Company to run their road into the State of Pennsylvania, were read, and referred to the committee on railroads.

Two several petitions of sundry inhabitants of the counties of Dutchess and Ulster, praying for the passage of a law granting to Jackson Townsend and Edward A. Johnson a charter for a ferry at the village of HydePark in the county of Dutchess, were read, and referred to the committee on roads and bridges.

The memorial of the directors of the New-York Eye Infirmary, praying pecuniary aid for that institution, was read, and referred to the committee on medical societies and colleges.

The petition of Robert H. Maclay and other members of the medical profession, praying legislative aid for the College of Physicians and

Surgeons in the city of New-York, was read, and referred to the committee on medical societies and colleges.

The petition of sundry inhabitants of the county of Oneida, praying for the passage of a law prohibiting the sale of sheep's pelts without scalps and ears, was read, and referred to the committee on agriculture.

Ten several petitions of sundry inhabitants of the counties of Otsego and Delaware, praying for the erection of a new county from parts of the counties of Otsego, Delaware and Chenango, with the seat of justice at Unadilla, were read, and referred to the committee on the erection and division of towns and counties.

The memorial of one hundred and ninety-five inhabitants of the town of Sidney in the county of Delaware, remonstrating against the erection of a new county with the seat of justice at Bainbridge, and praying for the erection of a new county with the seat of justice at Unadilla, was read, and referred to the committee on the erection and division of towns and counties.

The remonstrance of sundry inhabitants of the county of Broome, against the annexation of any portion of said county to the proposed new county, to be erected from parts of the counties of Otsego, Delaware, Chenango and Broome, was read, and referred to the committee on the erection and division of towns and counties.

The petition of sundry inhabitants of the county of Broome, praying for an extension of the right of suffrage to colored citizens, was read, and referred to the select committee on amendments to the Constitution.

Seven several petitions of sundry inhabitants of the counties of Otsego, Montgomery and Delaware, praying for an alteration of the existing laws respecting landlord and tenant, were read, and referred to a select committee.

Two several petitions of sundry inhabitants of the counties of Dutchess and Columbia, praying for the repeal of the law passed at the last session, in relation to costs and fees in courts of record, were read, and referred to a select committee.

The petition of sundry inhabitants of the counties of Oswego and Onondaga, praying for the incorporation of a company to construct a railroad from the village of Syracuse to the village of Oswego, was read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of sundry inhabitants of the town of Greenbush in the county of Rensselaer, against the passage of a law to extend the docks of the city of Albany, was read, and referred to the committee of the whole when on the bill upon that subject.

Ten several petitions of sundry inhabitants of the counties of Otsego, Schenectady and Tompkins, praying for the passage of a law submitting the question of license to the people, were read, and referred to the committee of the whole when on the bill upon that subject.

Two several petitions of sundry inhabitants of the counties of Chautauque, Tompkins and Seneca, praying for the incorporation of the American and Foreign Bible Society, were read, and referred to the committee of the whole when on the bill upon that subject.

Four several petitions of sundry inhabitants of the counties of Otsego,



Chemung, Madison and Oneida, praying for the passage of a law to suppress licentiousness, were read, and referred to the committee of the whole when on the bill upon that subject.

A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
Albany, February 3, 1845. }

TO THE ASSEMBLY.

I have this day approved and signed the bill entitled "An act to amend an act to reduce the number of canal commissioners, and to provide for their election by the people, passed May 6th, 1844."

SILAS WRIGHT.

A communication from the Hon. Thomas Farrington was received and read, in the words following, to wit :

TREASURER'S OFFICE, }  
Albany, February 4, 1845. }

Hon. HORATIO SEYMOUR, *Speaker of the Assembly.*

SIR,

My official connection with the Government having been terminated by the appointment of a successor, I respectfully request that a joint committee of the two houses of the Legislature may be appointed, to examine my accounts from the close of the last fiscal year to the present time.

I desire that you would communicate this request to the Honorable the Assembly.

I am, Sir, with great respect,

Your obedient servant,

THOMAS FARRINGTON,

*Late Treasurer.*

A communication from the Hon. Benjamin Enos was received and read, in the words following, to wit :

Albany, February 4, 1845.

TO THE SPEAKER OF THE ASSEMBLY.

SIR,

I have received notice, through the Clerk of the Assembly, that I have been appointed to the office of Treasurer of this State.

Permit me, Sir, to say to you and the Honorable Body over which you preside, that I accept the office ; that I will endeavor to discharge the duties thereof with honor to myself, and to the satisfaction of the people of the State of New-York.

Very respectfully,

Your obedient servant,

BENJAMIN ENOS.

Mr. Chase offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, (if the Senate concur,) That a joint committee, to be composed of one member of the Senate and two members of the Assembly, be appointed, to examine the accounts of Thomas Farrington, late Treasurer of this State, from the close of the last fiscal year to the time his term of office expired.

*Ordered*, That the said resolution be laid on the table.

The House then proceeded to the consideration of the resolution heretofore offered by Mr. Oakley, in the words following, to wit :

*Resolved*, That the senators and representatives of this State in Congress be instructed to urge the appropriation for the State Arsenal in New-York city, according to the previous action of Congress and of this State.

On motion of Mr. Comstock,

*Ordered*, That the said resolution be referred to the committee on the militia and public defence.

In pursuance of previous notice, Mr. Morrison asked for and obtained leave to bring in a bill, entitled "An act concerning choses and actions ;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

The annual report of the Bank of Geneva, relative to unclaimed dividends and deposits, was received, read, and ordered to be printed and laid on the table.

The annual report of the Bank of Whitehall, relative to unclaimed dividends and deposits, was received, read, and ordered to be printed and laid on the table.

On motion of Mr. Comstock,

The House then proceeded to the consideration of the motion made yesterday by Mr. Coe, to wit, that the vote on agreeing to that portion of the resolution offered by Mr. Bailey, which relates to resolutions and notices which may be hereafter introduced on the subject of the annexation of Texas to the United States, be reconsidered.

Debates were had thereon ; when

Mr. Jones moved the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

{ AYES 61 }  
{ NAYS 54 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

Mr. Bachman  
Mr. Bagg  
Mr. Bevens

Mr. Hall  
Mr. Harden  
Mr. Hazelton

Mr. Preston  
Mr. Rogers  
Mr. Russell

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Billings    | Mr. Hervey       | Mr. Sager           |
| Mr. J. Brooks   | Mr. Hine         | Mr. Salisbury       |
| Mr. M. Brooks   | Mr. Howard       | Mr. Searing         |
| Mr. Brower      | Mr. Jones        | Mr. Sears           |
| Mr. L. H. Brown | Mr. Knapp        | Mr. Skelton         |
| Mr. A. H. Buel  | Mr. T. R. Lee    | Mr. A. C. Smith     |
| Mr. Bunker      | Mr. M'Carthy     | Mr. W. Smith        |
| Mr. Burdick     | Mr. M'Donald     | Mr. Speaker         |
| Mr. Cameron     | Mr. M'Key        | Mr. R. L. Stevenson |
| Mr. Carpenter   | Mr. C. B. Miller | Mr. Strobidge       |
| Mr. Comstock    | Mr. S. Miller    | Mr. Tefft           |
| Mr. Danforth    | Mr. Morris       | Mr. Thayer          |
| Mr. Dayton      | Mr. Newkirk      | Mr. Titus           |
| Mr. Dickson     | Mr. Niven        | Mr. Tuthill         |
| Mr. Fellows     | Mr. Pardee       | Mr. Van Valkenburgh |
| Mr. Fonda       | Mr. Pierce       | Mr. Walrath         |
| Mr. D. Gould    | Mr. Porter       | Mr. Waitney         |
| Mr. Gregory     |                  |                     |

61

Those who voted in the negative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Barber       | Mr. Frisbee    | Mr. Morrison        |
| Mr. Betts        | Mr. Garretson  | Mr. Moulton         |
| Mr. Blake        | Mr. Giffard    | Mr. Oakley          |
| Mr. Bloss        | Mr. G. Goold   | Mr. Raymond         |
| Mr. Bowen        | Mr. Hannum     | Mr. Rice            |
| Mr. T. Buel      | Mr. Heermans   | Mr. Ross            |
| Mr. Bush         | Mr. Horton     | Mr. Sherman         |
| Mr. Casner       | Mr. Hunt       | Mr. J. Stevenson    |
| Mr. Chase        | Mr. Huntington | Mr. Sweeney         |
| Mr. Coe          | Mr. Jarvis     | Mr. Van Schoonhoven |
| Mr. Collins      | Mr. Johnson    | Mr. Wells           |
| Mr. C. F. Crosby | Mr. D. Lee     | Mr. Wheeler         |
| Mr. E. Crosby    | Mr. Litchfield | Mr. White           |
| Mr. Culver       | Mr. Long       | Mr. Wilcox          |
| Mr. De Puy       | Mr. M'Vean     | Mr. Wyckoff         |
| Mr. Dewey        | Mr. Mann       | Mr. Winant          |
| Mr. Edwards      | Mr. Mather     | Mr. A. W. Young     |
| Mr. Field        | Mr. Mersereau  | Mr. J. Young        |

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Thereupon,

Mr. Speaker put the question whether the House would agree to the said motion made by Mr. Coe to reconsider the said vote, and it was determined in the negative.

{ AYES 57 }  
{ NAYS 61 }

The ayes and nays being required by ten members,

## Those who voted in the affirmative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Barber       | Mr. Giffard    | Mr. Oakley          |
| Mr. Beets        | Mr. G. Goold   | Mr. Raymond         |
| Mr. Blake        | Mr. Hannum     | Mr. Rice            |
| Mr. Bloss        | Mr. Harris     | Mr. Ross            |
| Mr. Bowen        | Mr. Heermans   | Mr. Sherman         |
| Mr. T. Buel      | Mr. Horton     | Mr. J. Stevenson    |
| Mr. Bush         | Mr. Hunt       | Mr. Sweeney         |
| Mr. Casner       | Mr. Huntington | Mr. Thompson        |
| Mr. Coe          | Mr. Jarvis     | Mr. Tibbits         |
| Mr. Collins      | Mr. Johnson    | Mr. Van Schoonhoven |
| Mr. C. F. Crosby | Mr. D. Lee     | Mr. Wells           |
| Mr. E. Crosby    | Mr. Litchfield | Mr. Wheeler         |
| Mr. Culver       | Mr. Long       | Mr. White           |
| Mr. De Puy       | Mr. M'Vean     | Mr. Wilcox          |
| Mr. Dewey        | Mr. Mann       | Mr. Worden          |
| Mr. Edwards      | Mr. Mather     | Mr. Wyckoff         |
| Mr. Field        | Mr. Mersereau  | Mr. Wynant          |
| Mr. Frisbee      | Mr. Morrison   | Mr. A. W. Young     |
| Mr. Garretson    | Mr. Moulton    | Mr. J. Young        |

57

## Those who voted in the negative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. Hall         | Mr. Preston         |
| Mr. Bagg        | Mr. Harden       | Mr. Rogers          |
| Mr. Bevens      | Mr. Hazelton     | Mr. Russell         |
| Mr. Billings    | Mr. Hervey       | Mr. Sager           |
| Mr. J. Brooks   | Mr. Hine         | Mr. Salisbury       |
| Mr. M. Brooks   | Mr. Howard       | Mr. Searing         |
| Mr. Brower      | Mr. Jones        | Mr. Sears           |
| Mr. L. H. Brown | Mr. Knapp        | Mr. Skelton         |
| Mr. Bunker      | Mr. T. R. Lee    | Mr. A. C. Smith     |
| Mr. Burdick     | Mr. M'Carthy     | Mr. W. Smith        |
| Mr. Cameron     | Mr. M'Donald     | Mr. Speaker         |
| Mr. Carpenter   | Mr. M'Key        | Mr. R. L. Stevenson |
| Mr. Chase       | Mr. C. B. Miller | Mr. Strobridge      |
| Mr. Comstock    | Mr. S. Miller    | Mr. Tefft           |
| Mr. Danforth    | Mr. Morris       | Mr. Thayer          |
| Mr. Dayton      | Mr. Newkirk      | Mr. Titus           |
| Mr. Dickson     | Mr. Niven        | Mr. Tuthill         |
| Mr. Fellows     | Mr. Pardee       | Mr. Van Valkenburgh |
| Mr. Fonda       | Mr. Pierce       | Mr. Walrath         |
| Mr. D. Gould    | Mr. Porter       | Mr. Whitney         |
| Mr. Gregory     |                  |                     |

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In pursuance of previous notice, Mr. Wheeler asked for and obtained leave to bring in a bill, entitled "An act recommending a Convention of the People of this State;" which was read the first time, and by unanimous consent was also read a second time, and referred to the select committee on amendments to the Constitution.



In pursuance of previous notice, Mr. D. Gould asked for and obtained leave to bring in a bill, entitled 'An act in relation to the State Prison at Auburn;' which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on state prisons.

On motion of Mr. Bowen,

*Resolved*, That the committee on railroads be instructed to inquire into the expediency of passing a law, compelling the different railroad companies in this State to carry over their respective roads, agents of private expresses, together with such freight and baggage as such agents may see fit to have transported under their care and supervision; and that said committee have leave to report by bill or otherwise.

Mr. Harris gave notice that he would, on some future day, ask leave to introduce a bill in relation to justices of the peace and police justices in the city and county of Albany.

On motion of Mr. Fellows,

*Resolved*, That the petitions and papers of Cole and Caulkins be taken from the file, and referred to the committee on grievances.

Mr. Morrison offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That the select committee to whom was referred the resolutions touching the annexation of Texas, be instructed to report in favor of the same by to-morrow at twelve o'clock.

*Ordered*, That the said resolution be laid on the table.

Mr. Niven moved that the House proceed to the consideration of the resolution reported on the first instant by the select committee on the rules and orders, in the words following, to wit:

*Resolved*, That after this day, the call for "Motions, resolutions and notices," shall only be in order on Tuesdays and Saturdays of each week.

Mr. Speaker put the question whether the House would agree to proceed to the consideration of the said resolution, and it was determined in the negative.

On motion of Mr. Bush,

*Resolved*, That the papers now on file in this house, in relation to the claim of William Vandervoort, be taken therefrom, and referred to the committee on canals.

On motion of Mr. T. Buel,

*Resolved*, That the petitions and other papers on file, relative to the claim of Zaccheus P. Gillett, for relief, on account of the failure of the title of the State to a lot of land purchased by said Gillett, be referred to the committee on grievances.

On motion of Mr. M'Carthy,

*Resolved*, That the petition and papers in the matter of the petition of A. B. and J. H. King, be taken from the files of this house, and referred to the committee on claims.

Mr. Morrison gave notice that he would hereafter ask leave to introduce a bill to abolish the office of clerk of the Supreme Court, and provide for filing papers and docketing judgments of that court in the office of the county clerk.

Mr. Harris gave notice that he would, on some future day, ask leave to introduce a bill further to amend the act entitled "An act to increase the revenues of the State, by extending the market for salt, coal and lead," passed April 18th, 1843.

In pursuance of previous notice, Mr. Comstock asked for and obtained leave to bring in a bill, entitled "An act relative to purchasers at receivers' sales ;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

The House then proceeded to the consideration of the resolution heretofore offered by Mr. Morrison, in the words following, to wit :

*Resolved*, That the Comptrolier furnish this House, at an early day, with a statement, showing by what person or persons, bank or banks, or other company, the sum of eighty-four thousand dollars, received for the use of this State from the Treasury of the United States, is now held, or with whom it is deposited, on what terms and conditions and agreements ; and if on interest, the rate thereof, and the amount which has accrued thereon, and the security, if any, which has been taken therefor.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Van Vaikenburgh moved that the House do now proceed to the consideration of the resolution heretofore offered by him, in the words following, to wit :

*Resolved*, (if the Honorable the Senate concur herein,) That pursuant to the twelfth section of the act incorporating the New-York and Erie Railroad Company, the consent of the Legislature be and is hereby granted, allowing said company to connect the railroad authorised by the said act, with a continuation of about sixteen miles of the line thereof into the State of Pennsylvania, around the great bend of the Susquehannah ; and also to connect the same with a continuation of not exceeding twenty-five miles of the line thereof into the said State of Pennsylvania, along the southerly side of the Delaware river in the county of Pike, opposite to, and in order to avoid all interference with the canal of the Delaware and Hudson Canal Company ; and also to connect their said railroad with the Blossburgh and Corning railroad, at the intersection thereof in the village of Corning ; provided that the line of the said railroad shall, as heretofore contemplated, pass through the villages of Deposit in Delaware and Binghamton in Broome counties.

Mr. Speaker put the question whether the House would agree to proceed to the consideration of the said resolution, and it was determined in the affirmative.

Mr. Russell moved to refer the said resolution to the committee on railroads.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Russell, and it was determined in the affirmative.

The House then proceeded to the consideration of the resolution heretofore offered by Mr. D. Lee, in the words following, to wit :

*Resolved*, (if the Senate concur,) That the senators and members in Congress from this State be requested to use all reasonable efforts to

secure a reduction of postage, so far as it can be done, and not make the Post-office Department a tax on the National Treasury.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

*Ordered*, That the Clerk deliver the said resolution to the Senate, and request their concurrence in the same.

A resolution was received from the Senate, for concurrence, entitled "A resolution agreeing to certain proposed amendments to the Constitution, in relation to State debt and liability."

On motion of Mr. T. R. Lee,

*Ordered*, That the said resolution be referred to the committee of the whole, when on the resolution of this House upon the same subject.

A resolution was received from the Senate, for concurrence, entitled "A resolution agreeing to certain proposed amendments to the Constitution of this State, in relation to the Supreme Court."

On motion of Mr. T. R. Lee,

*Ordered*, That the said resolution be referred to the committee of the whole, when on the resolution of this House upon the same subject.

A resolution was received from the Senate, for concurrence, entitled "A resolution agreeing to certain proposed amendments to the Constitution of this State, relative to the Court of Chancery."

On motion of Mr. T. R. Lee,

*Ordered*, That the said resolution be referred to the committee of the whole, when on the resolution of this House upon the same subject.

A resolution was received from the Senate, for concurrence, entitled "A resolution agreeing to certain proposed amendments to the Constitution, abrogating the property qualification for office."

On motion of Mr. T. R. Lee,

*Ordered*, That the said resolution be referred to the committee of the whole, when on the resolution of this House upon the same subject.

A resolution was received from the Senate, for concurrence, entitled "A resolution agreeing to certain proposed amendments to the Constitution of this State, in relation to the removal of judicial officers."

On motion of Mr. T. R. Lee,

*Ordered*, That the said resolution be referred to the committee of the whole, when on the resolution of this House upon the same subject.

A message from the Senate, with the bill therein mentioned, was received and read, informing that they have passed the bill entitled "An act to provide for building a bridge across the Walkill at New-Paltz village," and request the concurrence of the Assembly in the same.

The said bill was read the first time, and by unanimous consent was also read a second time, and referred to the committee on roads and bridges.

A message from the Senate, with the bill and amendments therein mentioned, was received and read, informing that they had concurred in the amendments of the Assembly to the bill entitled "An act to amend an act entitled 'An act to incorporate medical societies, for the purpose of regulating the practice of physic and surgery in this State,' passed April 10th, 1813," and amended the same accordingly; and also that the said bill was duly passed, two-thirds of all the members elected to

the Senate voting in favor thereof, and that the certificate appended thereto has been amended accordingly.

The said amended bill having been examined,

*Ordered*, That the Clerk return the same to the Senate.

Mr. T. R. Lee moved that the House do now resolve itself into a committee of the whole, on the annual message of the Governor.

Mr. Speaker put the question whether the House would agree to the said motion, and it was determined in the affirmative.

{ AYES 64 }  
{ NAYS 46 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                |                  |                     |
|----------------|------------------|---------------------|
| Mr. Bachman    | Mr. Hazelton     | Mr. Rogers          |
| Mr. Bevins     | Mr. Hervey       | Mr. Russell         |
| Mr. Billings   | Mr. Hine         | Mr. Sager           |
| Mr. Brower     | Mr. Knapp        | Mr. Salisbury       |
| Mr. A. H. Buel | Mr. T. R. Lee    | Mr. Searing         |
| Mr. Bunker     | Mr. M'Carthy     | Mr. Sears           |
| Mr. Burdick    | Mr. M'Donald     | Mr. A. C. Smith     |
| Mr. Carpenter  | Mr. M'Key        | Mr. W. Smith        |
| Mr. Chase      | Mr. Mather       | Mr. Speaker         |
| Mr. Coe        | Mr. Mersereau    | Mr. R. L. Stevenson |
| Mr. Comstock   | Mr. C. B. Miller | Mr. Strobbridge     |
| Mr. Danforth   | Mr. S. Miller    | Mr. Tefft           |
| Mr. Dayton     | Mr. Morris       | Mr. Thayer          |
| Mr. Dickson    | Mr. Moulton      | Mr. Tibbits         |
| Mr. Fellows    | Mr. Newkirk      | Mr. Titus           |
| Mr. Field      | Mr. Niven        | Mr. Tuthill         |
| Mr. Fonda      | Mr. Oakley       | Mr. Van Valkenburgh |
| Mr. D. Gould   | Mr. Pardee       | Mr. Walrath         |
| Mr. G. Goold   | Mr. Pierce       | Mr. Wheeler         |
| Mr. Gregory    | Mr. Preston      | Mr. Whitney         |
| Mr. Hall       | Mr. Raymond      | Mr. Winant          |
| Mr. Harden     |                  |                     |

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Those who voted in the negative are

|               |              |                  |
|---------------|--------------|------------------|
| Mr. Barber    | Mr. Edwards  | Mr. M'Vean       |
| Mr. Betts     | Mr. Frisbee  | Mr. Mann         |
| Mr. Blake     | Mr. Giffard  | Mr. Morrison     |
| Mr. Bloss     | Mr. Hannum   | Mr. Rice         |
| Mr. Bowen     | Mr. Harris   | Mr. Ross         |
| Mr. J. Brooks | Mr. Heermans | Mr. Sherman      |
| Mr. T. Buel   | Mr. Horton   | Mr. J. Stevenson |
| Mr. Bush      | Mr. Howard   | Mr. Sweeney      |
| Mr. Cameron   | Mr. Hunt     | Mr. Thompson     |



|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Casner       | Mr. Huntington | Mr. Van Schoonhoven |
| Mr. Collins      | Mr. Jarvis     | Mr. Wells           |
| Mr. C. F. Crosby | Mr. Johnson    | Mr. White           |
| Mr. E. Crosby    | Mr. D. Lee     | Mr. Wilcox          |
| Mr. Culver       | Mr. Litchfield | Mr. A. W. Young     |
| Mr. De Puy       | Mr. Long       | Mr. J. Young        |
| Mr. Dewey        |                |                     |

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The House then again resolved itself into a committee of the whole, on the annual message of the Governor; and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Sweeney, from the said committee, reported progress, and asked for and obtained leave to sit again.

On motion of Mr. Long,

The House then adjourned to eleven o'clock to-morrow morning.

## THURSDAY, FEBRUARY 6, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Harrington.

The minutes of yesterday were read and approved.

The petition of sundry inhabitants of the county of Cattaraugus, praying for the passage of a law declaring the taking of timber from wild lands to be larceny, was read, and referred to the committee on the judiciary.

The petition of Thomas Vyse, now of London, England, praying for a release of certain escheated lands, was read, and referred to the committee on the petitions of aliens.

The petition of Anthony S. Badgley and Andrew Bigham of the county of Saratoga, praying for relief, was read, and referred to the committee on grievances.

The petition of sundry inhabitants of the county of Chenango, praying for the erection of a new county, to be called Wright, to be taken from the counties of Otsego, Chenango, Delaware and Broome, was read, and referred to the committee on the erection and division of towns and counties.

Three several remonstrances of sundry inhabitants of the counties of Otsego and Sullivan, against the extension of the New-York and Erie railroad into the State of Pennsylvania, were read, and referred to the committee on railroads.

The petition of the mayor and common council of the city of Albany, relative to the draw in the State-street bridge in said city, was read, and referred to a select committee, consisting of the members attending this house from the county of Albany.

Three several petitions of sundry inhabitants of the counties of

Albany and Montgomery, praying for an alteration of the law between landlord and tenant, were read, and referred to a select committee.

Two several petitions of sundry inhabitants of the counties of Orange and Cayuga, praying for a repeal of the law increasing lawyers' fees, were read, and referred to a select committee.

The petition of Baltes Simmons, praying for relief, on account of damages occasioned by water from the Champlain canal, was read, and referred to the committee on canals.

Seven several petitions of sundry inhabitants of the counties of Saratoga, Schenectady and Onondaga, praying for a change in the license law, were read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Oneida, praying for the passage of a penal law to suppress licentiousness, was read, and referred to the committee of the whole when on the bill upon that subject.

Two several petitions of the trustees of the Glensfalls and Cayuga Academies, praying for a more equal distribution of the Literature fund, were read, and referred to the committee of the whole when on the bill upon that subject.

The memorial of the common council of the city of Albany, relative to the extension of the docks south of Hamilton-street in said city, was read, and referred to the committee of the whole when on the bill upon that subject.

Mr. Garretson, from the committee on charitable and religious societies, to which was referred the petition of the trustees of the Black River Annual Conference, praying for an amendment of their charter, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Garretson accordingly brought in the said bill, entitled "An act to amend an act to incorporate the trustees of the Black River Annual Conference, passed April 17th, 1841;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Bloss, from the committee on charitable and religious societies, to which was referred the petition of Philip Engelhardt and others, praying for the incorporation of the Vereinigter Bruder Verein, or Society of United Brethren, reported, that the petitioners had not given the proper legal notice of application, and that the committee had come to the conclusion to offer the following resolution, to wit :

*Resolved*, That the committee on charitable and religious societies be discharged from the consideration of the petition of Philip Engelhardt and others.

On motion of Mr. Sweeney,

*Ordered*, That the said resolution be laid on the table.

Mr. Ross, from the committee on the incorporation of cities and villages, to which was referred the petition of sundry inhabitants of the village of Fredonia in the county of Chautauque, praying for an amendment of the charter of said village, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Ross accordingly brought in the said bill, entitled "An act to amend an act entitled 'An act to incorporate the village of Fredonia ;'" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Newkirk, from the committee on claims, to which was referred the petition of John I. Walrath and Daniel Walrath, praying for relief, reported in writing, and asked leave to bring in a bill.

[See Document No. 66.]

Leave being granted, Mr. Newkirk accordingly brought in the said bill, entitled "An act for the relief of John I. Walrath and others ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. L. H. Brown, from the committee on colleges, academies and common schools, to which was referred the petition of the supervisors and commissioners of highways of the town of Pamela in the county of Jefferson, praying for a loan, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. L. H. Brown accordingly brought in the said bill, entitled "An act authorising a loan from the Common School Fund to the county of Jefferson, to defray the expenses of building a bridge across Black river at Watertown ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Tefft, from the minority of the committee on claims, to which was referred the petition of John I. Walrath and Daniel Walrath, for relief, reported in writing, and concluded by offering the following resolution, to wit :

*Resolved*, That the prayer of the petitioners ought not to be granted.

[See Document No. 67.]

*Ordered*, That the said report and resolution be laid on the table.

Mr. Tefft, from the committee on claims, to which was referred the petition of Aaron Barnes and John E. Hinman, praying for relief, reported the following resolution, to wit :

*Resolved*, That the committee on claims be discharged from the consideration of the petition of Aaron Barnes and John E. Hinman, and that the same be referred to the Canal Board.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Thompson, from the committee on charitable and religious societies, to which was referred the petition of the directors of the New-York Institution for the deaf and dumb, for a continuation of the relief now allowed by law, reported in writing, and asked leave to bring in a bill.

[See Document No. 60.]

Leave being granted, Mr. Thompson accordingly brought in the said bill, entitled "An act extending an act for the relief of the New-York Institution for the instruction of the deaf and dumb;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Knapp, from the committee on the public lands, to which was referred the petition of James Titus and others, praying for the passage of an act releasing the right of the people of this State to a certain house and lot, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Knapp accordingly brought in the said bill, entitled "An act for the relief of Mary Agnes Titus, Elizabeth Titus, Jane Titus, James Henry Titus, Martha Titus, Abiel Titus, Ruth M. Baker (the wife of John O. Baker), Ann Eliza Kermit Dean and William Philip Dean;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Tuthill, from the committee on roads and bridges, to which was referred the petition of sundry inhabitants of the county of Onondaga, praying for an amendment of the act for the construction of a road from the village of Salina to Central-square, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Tuthill accordingly brought in the said bill, entitled "An act to amend an act entitled 'An act to authorise the construction of a timber, plank, or hard road, from Salina in the county of Onondaga, to Central-square in the county of Oswego,' passed April 12th, 1844;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the petition of Abraham L. Underhill, in relation to his title to certain land, supposed to be escheated to the State, by reason of the alienage of his grantor, Jacob G. Tyhraunt, reported in writing, and concluded by offering the following resolution, to wit:

*Resolved*, That the committee on the judiciary be discharged from the further consideration of the petition of Abraham L. Underhill.

[See Document No. 61.]

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. T. R. Lee, from the committee on the judiciary, to which was recommitted the engrossed bill from the Senate, entitled "An act to amend the thirty-fifth section of chapter ninth, title third, article first of the Revised Statutes, relating to writs of error and appeals," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill do have its third reading.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the engrossed bill from the Senate, entitled "An act authorising

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Charles Abrahamson and John Abrahamson to change their names to Charles Albers and John Albers," reported in writing, and concluded by offering the following resolution, to wit :

*Resolved*, That this House do non-concur with the Senate in the passage of the said bill.

[See Document No. 59.]

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have rejected the same.

Mr. Van Valkenburgh, from the committee on railroads, to which was referred the resolution relative to the New-York and Erie railroad, reported in writing, and concluded by recommending the passage of the said resolution, in the words following, to wit :

*Resolved*, (if the Honorable the Senate concur herein,) That pursuant to the twelfth section of the act incorporating the New-York and Erie Railroad Company, the consent of the Legislature be and is hereby granted, allowing said company to connect the railroad authorised by the said act, with a continuation of about sixteen miles of the line thereof into the State of Pennsylvania, around the great bend of the Susquehannah ; and also to connect the same with a continuation of not exceeding twenty-five miles of the line thereof into the said State of Pennsylvania, along the southerly side of the Delaware river in the county of Pike, opposite to, and in order to avoid all interference with the canal of the Delaware and Hudson Canal Company ; and also to connect their said railroad with the Blossburgh and Corning railroad, at the intersection thereof in the village of Corning ; provided that the line of the said railroad shall, as heretofore contemplated, pass through the villages of Deposit in Delaware and Binghamton in Broome counties.

[See Document No. 58.]

*Ordered*, That the said report and resolution be laid on the table.

On motion of Mr. A. C. Smith,

*Ordered*, That ten times the usual number of copies of said report be printed for the use of the Legislature.

Mr. Harris, from the select committee consisting of the members attending this house from the county of Albany, to which was referred the bill entitled "An act further to amend the act entitled 'An act relative to the city of Albany,' passed April 16, 1842," with instructions to report the same complete, reported, that the committee had gone through the said bill, made an amendment thereto, and, as amended, saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be engrossed for a third reading.

A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
Albany, February 5, 1845. }

## TO THE ASSEMBLY.

I have this day approved and signed the bill entitled "An act in relation to moneys raised for the support of the town poor in the county of Lewis."

SILAS WRIGHT.

The sixth annual report of the Savings Bank of Utica was received, read, and ordered to be printed and laid on the table.

A communication from John Townsend, president of the Commercial Bank of Albany, showing the condition of the said bank on Tuesday the fourth day of February, 1845, was received, read, and ordered to be printed and laid on the table.

The report of the inspector of hops for the city of Albany, was received, read, and ordered to be printed and laid on the table.

The engrossed bill from the Senate, entitled "An act to amend the thirty-fifth section of chapter ninth, title third, article first of the Revised Statutes, relating to writs of error and appeals," with the engrossed amendments, was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill and amendments, and it was determined in the affirmative.

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same with the amendments thereto therewith delivered.

On motion of Mr. Morris,

*Resolved*, That the remonstrances and papers relative to the locating of the New-York and Erie railroad along the Delaware river, or out of the State, that were heretofore presented to the Legislature in 1843, and now on file in this house, be presented and referred to the committee on railroads.

On motion of Mr. Harris,

*Resolved*, That the papers relating to the claim of Baltes Simmons, for relief for damages occasioned by the escape of waters from the Champlain canal, be taken from the files of this house, and referred to the committee on canals.

On motion of Mr. T. R. Lee,

*Resolved*, That the committee on medical societies and colleges be discharged from the consideration of the memorial of the New-York Eye and Ear Infirmary, and that the same be referred to the committee on charitable and religious societies.

On motion of Mr. Boughton,

*Resolved*, That the petition and papers relative to the late commissioners of highways of the town of Carlisle, Schoharie county, for relief, be taken from the files of the house, and referred to the committee on grievances.

The House then proceeded to the consideration of the resolution heretofore offered by Mr. Fenn, in the words following, to wit :

*Resolved*, That the Clerk procure one hundred and forty copies of

the Albany City Guide, for the accommodation of members of this House, and that the expense be defrayed from the contingent fund of the house.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the negative.

By unanimous consent,

Mr. Fonda, from the committee on the militia and public defence, to which was referred a resolution in the words following, to wit :

*Resolved*, That our senators and representatives in Congress be instructed to use their influence in carrying out the sale by this State of certain lands on Staten island, to the United States, for military purposes ; the proceeds of which sale are, agreeably to an act of the Legislature of this State, passed May 4th, 1844, to be used for building an arsenal in the county of New-York, and the repair of the arsenal at Albany :

Reported, and recommended the passage of the said resolution.

Thereupon,

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

By unanimous consent, and

In pursuance of previous notice, Mr. Worden asked for and obtained leave to bring in a bill, entitled "An act to incorporate the Mechanics' Literary Association of the village of Canandaigua ;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on colleges, academies and common schools.

The following resolution was received from the Senate, for concurrence, to wit :

*Resolved*, (if the Assembly concur,) That a joint committee of the Senate and Assembly, consisting of one member of the Senate and two members of the Assembly, be appointed to examine the late Treasurer's accounts, from the close of the last fiscal year, to the termination of his office.

Mr. Speaker put the question whether the House would concur with the Senate in their said resolution, and it was determined in the affirmative.

*Ordered*, That the Clerk return the said resolution to the Senate, and inform them that the Assembly have concurred in the same without amendment.

On motion of Mr. Skelton,

*Resolved*, That the papers of Frederick Mongan and wife, said papers praying for a release from the State of escheated lands, be taken from the files of 1844, and referred to the committee on the petitions of aliens.

The House then again resolved itself into a committee of the whole, on the annual message of the Governor ; and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Sweeney, from the said committee, reported progress, and asked for and obtained leave to sit again.

On motion of Mr. E. Crosby,

The House then adjourned to eleven o'clock to-morrow morning.



## FRIDAY, FEBRUARY 7, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Hoes.

The minutes of yesterday were read and approved.

The remonstrance of sundry inhabitants of the county of Cortland, against making the district attorney of said county a salary officer, was read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the county of Orange, praying for the reduction of interest to six per centum, was read, and referred to the committee on the judiciary.

The memorial of the trustees of the College of Physicians and Surgeons of the Western District, asking for an equitable share of State patronage, was read, and referred to the committee on medical societies and colleges.

The petition of the Flatbush Light Artillery in the county of Kings, praying for an exemption from jury duty, was read, and referred to the committee on the militia and public defence.

Two several petitions of sundry inhabitants of the county of Albany, praying for the passage of a law prohibiting racing and trotting on the Troy and Albany road, and authorising the same on the Bull's Head Course, were read, and referred to the committee on the internal affairs of towns and counties.

The petition of sundry inhabitants of the county of Allegany, praying for the resumption of work on the Genesee Valley Canal, was read, and referred to the committee on canals.

The petition of John E. Hinman and others of the county of Oneida, praying for relief, was read, and referred to the committee on canals.

The petition of sundry inhabitants of the county of Jefferson, praying for the completion of the unfinished public works, was read, and referred to the committee on canals.

The petition of the president and directors of the East River Mutual Insurance Company, praying for an amendment of their charter, was read, and referred to the committee on banks and insurance companies.

A petition praying for the repeal of the act passed at the last session, allowing railroad companies to carry freight, was read, and referred to the committee on railroads.

The petition of James Stewart, praying for relief on account of canal damages, was read, and referred to the committee on claims.

The petition of the Equitable Fire Insurance Company of the city of New-York, praying for an amendment of their charter, was read, and referred to the committee on banks and insurance companies.

The petition of sundry inhabitants of the city of New-York, praying for the incorporation of the Apalachicola Land Company, was read, and referred to the committee on trade and manufactures.

Three several petitions of sundry inhabitants of the counties of Montgomery and Schoharie, praying for an alteration of the law re-



specting landlord and tenant, were read, and referred to a select committee.

Fourteen several petitions of sundry inhabitants of the county of Rensselaer, praying for relief, and for a change of the law respecting landlord and tenant, were read, and referred to a select committee.

The petition of sundry inhabitants of the city of New-York, praying for the passage of a law putting an end to land monopoly, was read.

Mr. Blake moved to lay the said petition on the table.

Mr. Speaker put the question whether the House would agree to the said motion, and it was determined in the affirmative.

The petition of sundry inhabitants of the county of Jefferson, praying for the passage of a law submitting the question of license to the people of the several towns and cities, was read, and referred to the committee of the whole when on the bill upon that subject.

Two several petitions of sundry inhabitants of the counties of Ontario and Orleans, praying for the incorporation of the American and Foreign Bible Society, were read, and referred to the committee of the whole when on the bill upon that subject.

Two several remonstrances of sundry inhabitants of the counties of Greene and Montgomery, against the incorporation of the American and Foreign Bible Society, were read, and referred to the committee of the whole when on the bill upon that subject.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to amend an act entitled 'An act to enlarge the powers of boards of supervisors,'" reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to incorporate the Fire Department of the village of West-Troy," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to amend the Revised Statutes, so as to classify assessors and extend their term of office," reported, that the committee had examined the said bill, and concluded to offer the following resolution, to wit :

*Resolved*, That the said bill be rejected.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act for the preservation of game in the county of Saratoga," reported, that the committee had examined the said bill, and concluded to offer the following resolution, to wit :

*Resolved*, That the said bill be rejected.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Bevens, from the committee on canals, to which was referred the petition of William Vandervoort, praying for relief, reported favorably to the prayer of the petitioner, and asked leave to bring in a bill.

Leave being granted, Mr. Bevens accordingly brought in the said bill, entitled "An act for the relief of William Vandervoort;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Bevens, from the committee on state prisons, to which was referred the bill entitled "An act for the safe keeping and removal of insane convicts in the State prisons of this State, to the State Lunatic Asylum," reported, that the committee had examined the said bill, made an amendment thereto, and, as amended, saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Niven, from the committee on privileges and elections, to which was referred the petition of sundry citizens of the city of New-York, praying for the passage of an act to prevent naturalized citizens from voting, until after one year's residence in the State and six months in the county after naturalization, reported in writing, and concluded by offering the following resolution, to wit :

*Resolved*, That the prayer of the petitioners ought not to be granted.

[ *See Document No. 71.* ]

Mr. Harris moved to lay the said report and resolution on the table.

Mr. Speaker put the question whether the House would agree to the said motion, and it was determined in the affirmative.

Mr. Carpenter, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act further to amend the act entitled 'An act relative to the city of Albany,' passed April 16, 1842," and found the same correctly engrossed.

*Ordered*, That the said bill do have its third reading.

Mr. Frisbee, from the committee on roads and bridges, to which was referred the petition for the relief of the town of Westchester in the county of Westchester, reported favorably to the prayer of the petition, and asked leave to bring in a bill.

Leave being granted, Mr. Frisbee accordingly brought in the said bill, entitled "An act for the relief of the town of Westchester;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Tuthill, from the committee on roads and bridges, to which was referred the petition of sundry inhabitants of the county of Fulton, praying for an amendment of the act laying out a road from Newkirk's mills to Piseco village, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Tuthill accordingly brought in the said bill, entitled "An act to amend an act entitled 'An act to lay out a road from

Newkirk's mills in the county of Fulton, to Piseco village in the county of Hamilton,' passed April 27, 1841 ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Frisbee, from the committee on roads and bridges, to which was referred the petition of sundry inhabitants of the counties of Tompkins, Seneca and Yates, praying for the grant of a new charter for a ferry across Seneca lake, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Frisbee accordingly brought in the said bill, entitled "An act authorising Ira Fowler and Alfred Goodwin to continue a ferry across Seneca lake ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Fonda, from the committee on the militia and public defence, asked for and obtained leave to bring in a bill, entitled "An act authorising the commissary general to act as agent of this State for certain purposes ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Frisbee, from the minority of the select committee on the subject of the annexation of Texas, to which was referred sundry remonstrances relative to that subject, asked leave to submit a report in writing.

Mr. Speaker put the question whether the House would grant the leave asked, and it was determined in the affirmative.

[See Document No. 84.]

The said report having been submitted,  
*Ordered*, That the same be laid on the table.

Mr. Harris moved that five times the usual number of copies of the said report be printed for the use of the Legislature.

Mr. Walrath moved to lay the said motion of Mr. Harris on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Walrath, and it was determined in the affirmative.

{ AYES 50 }  
{ NAYS 48 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

Mr. Bachman  
Mr. Bevins  
Mr. Billings  
Mr. Boughton  
Mr. J. Brooks  
Mr. M. Brooks  
Mr. Brower

Mr. Fonda  
Mr. D. Gould  
Mr. Gregory  
Mr. Harden  
Mr. Hazelton  
Mr. Hervey  
Mr. Jarvis

Mr. Porter  
Mr. Preston  
Mr. Rogers  
Mr. Russell  
Mr. Sager  
Mr. Salisbury  
Mr. Searing

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. L. H. Brown | Mr. Knapp        | Mr. Skelton         |
| Mr. A. H. Buel  | Mr. T. R. Lee    | Mr. A. C. Smith     |
| Mr. Bunker      | Mr. M'Carthy     | Mr. W. Smith        |
| Mr. Burdick     | Mr. M'Donald     | Mr. Speaker         |
| Mr. Cameron     | Mr. M'Key        | Mr. R. L. Stevenson |
| Mr. Carpenter   | Mr. C. B. Miller | Mr. Strobridge      |
| Mr. Chase       | Mr. S. Miller    | Mr. Tefft           |
| Mr. Danforth    | Mr. Newkirk      | Mr. Tuthill         |
| Mr. Dayton      | Mr. Niven        | Mr. Walrath         |
| Mr. Fellows     | Mr. Pierce       |                     |

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Those who voted in the negative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Betts        | Mr. Frisbee    | Mr. Morris          |
| Mr. Bloss        | Mr. Garretson  | Mr. Morrison        |
| Mr. Bowen        | Mr. Giffard    | Mr. Raymond         |
| Mr. S. A. Brown  | Mr. G. Goold   | Mr. Sherman         |
| Mr. T. Buel      | Mr. Hammond    | Mr. J. Stevenson    |
| Mr. Bush         | Mr. Harris     | Mr. Sweeney         |
| Mr. Casner       | Mr. Horton     | Mr. Thompson        |
| Mr. Coe          | Mr. Howard     | Mr. Tibbits         |
| Mr. Collins      | Mr. Huntington | Mr. Van Schoonhoven |
| Mr. Comstock     | Mr. Johnson    | Mr. Van Valkenburgh |
| Mr. C. F. Crosby | Mr. D. Lee     | Mr. Wells           |
| Mr. Culver       | Mr. Litchfield | Mr. Wheeler         |
| Mr. De Puy       | Mr. Long       | Mr. White           |
| Mr. Dewey        | Mr. M'Vean     | Mr. Wilcox          |
| Mr. Edwards      | Mr. Mann       | Mr. Worden          |
| Mr. Field        | Mr. Mather     | Mr. Wyckoff         |

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Mr. Van Valkenburgh, from the majority of the select committee on the subject of the annexation of Texas, to which was referred sundry remonstrances relative to that subject, reported in part, in writing.

[See Document No. 83.]

On motion of Mr. Russell,

*Ordered*, That the said report be laid on the table.

Mr. T. R. Lee moved to reconsider the vote on the question of laying on the table the motion made by Mr. Harris, to print five times the usual number of copies of the report of the minority of the select committee on the subject of the annexation of Texas.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. T. R. Lee, and it was determined in the affirmative.

Mr. Russell moved to amend the said motion of Mr. Harris, by adding thereto five times the usual number of copies of the report of the majority of the same committee.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Russell, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree

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to the said motion of Mr. Harris, as amended, and it was determined in the affirmative.

Mr. Harris, from the select committee consisting of the members attending this house from the county of Albany, to which was referred the petition relative to the draw in the State-street bridge in the city of Albany, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Harris accordingly brought in the said bill, entitled "An act to amend the act entitled 'An act authorising the construction of a basin in the city of Albany, at the termination of the Erie and Champlain canals,' passed April 5th, 1823;" which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. Harris,

*Ordered*, That the said bill be laid on the table.

By unanimous consent, and

In pursuance of previous notice, Mr. Mather asked for and obtained leave to bring in a bill, entitled "An act relative to the militia and public defence;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the militia and public defence.

The annual report of the treasurer of the Sailors' Snug Harbor was received and read.

[*See Document No. 91.*]

*Ordered*, That the said report be laid on the table.

The report of the Comptroller, in answer to a resolution of the Assembly, respecting the valuation of real estate, and the amount of State tax, was received and read.

[*See Document No. 64.*]

*Ordered*, That the said report be laid on the table.

The annual report of the trustees of the Brooklyn Institute was received and read.

[*See Document No. 94.*]

*Ordered*, That the said report be laid on the table.

A communication from the Hon. Nathaniel S. Benton was received and read, in the words following, to wit :

*Albany, February 6, 1845.*

SIR,

I desire to communicate to that branch of the Legislature over which you have the honor to preside, my acceptance of the office of Secretary of State, together with my respectful acknowledgments for this expression of public confidence.

I have the honor to be,

With great respect,

Your obedient servant,

N. S. BENTON.

To the Hon. HORATIO SEYMOUR,

*Speaker of the Assembly.*

A communication from the Secretary of State was received and read, in the words following, to wit :

## SECRETARY'S OFFICE,

DEPARTMENT OF COMMON SCHOOLS,

Albany, February 6, 1845.

HON. HORATIO SEYMOUR, *Speaker of the Assembly.*

SIR,

I transmit herewith the Twenty-sixth Annual Report of the Directors of the New-York Institution for the Deaf and Dumb ; together with the Report of the Deputy Superintendent of Common Schools, who, under the direction of my predecessor in office, visited and inspected the Institution in the month of July last, in accordance with law.

Very respectfully,

Your obedient servant,

N. S. BENTON,

*Secretary of State.*

[See Document No. 70.]

Mr. L. H. Brown moved that ten times the usual number of copies of the said report be printed for the use of the Legislature.

Mr. Speaker put the question whether the House would agree to the said motion, and it was determined in the affirmative.

A message from the Senate, with the bill and amendments therein mentioned, was received and read, informing that they had concurred in the amendments of the Assembly to the first and second sections of bill entitled "An act in relation to the court of common pleas and general sessions of the county of Saratoga," and non-concurred in the amendments to the fourth section.

The said bill and amendments having been read,

*Ordered*, That the same be referred to the committee on the judiciary.

The engrossed bill entitled "An act further to amend the act entitled 'An act relative to the city of Albany,' passed April 16th, 1842," was read the third time.

On motion of Mr. Harris,

*Ordered*, That the question on the final passage of the said bill be laid on the table.

On motion of Mr. Harris,

*Resolved*, That the use of the Assembly chamber be granted to the Legislative Temperance Society, for the purpose of holding their annual meeting, on Tuesday evening of next week.

On motion of Mr. Harris,

*Resolved*, That the Printers for the Assembly furnish for the use of this House, fifty copies of all bills and documents ordered to be printed, in addition to the number now furnished.

Mr. Russell moved for a reconsideration of the vote on agreeing to the resolution reported by the committee on the internal affairs of towns and counties, on the bill entitled "An act to amend the Revised Sta-

tutes, so as to classify assessors and extend their term of office;" which said resolution is in the words following, to wit :

*Resolved*, That the said bill be rejected.

*Ordered*, That the said motion of Mr. Russell be laid on the table.

Agreeably to a joint resolution of the Senate and Assembly, the Chair announced the appointment of Mr. Tuthill and Mr. D. Lee to be of the committee on the part of the Assembly to examine the accounts of the late Treasurer.

*Ordered*, That the Clerk transmit a message to the Senate, informing them of the appointment of the members of the said committee on the part of the Assembly.

*Ordered*, That Mr. S. A. Brown have leave of absence for four days, Mr. Hall for eight days, Mr. Pardee for seven days, Mr. Hine for seven days, Mr. Dickson for six days, Mr. Gifford for four days, Mr. Bachman for three days, Mr. Sears for six days, Mr. Hunt for ten days, Mr. Russell for ten days from Wednesday next, Mr. Sager for four days, Mr. Bevins for six days, Mr. Hannum for six days, Mr. M'Donald for ten days, Mr. Winant for ten days, Mr. Whitney for three days in addition to his former term, Mr. M'Carthy for four days, Mr. Hervey for three days, and Mr. Rice for ten days.

On motion of Mr. De Puy,

The House then adjourned to eleven o'clock to-morrow morning.

## FRIDAY, FEBRUARY 8, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Harrington.

The minutes of yesterday were read and approved.

Sundry resolutions adopted at a meeting held in the town of Kirkland in the county of Oneida, in favor of making the temporary relief of the poor a town charge, and for other purposes, were read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the county of Lewis, praying for the immediate resumption of work on the Black River Canal, was read, and referred to the committee on canals.

The petition of one hundred and twenty inhabitants of the village of Bath in the county of Steuben, praying for the passage of a law in favor of the slip and basin at Dansville, was read, and referred to the committee on canals.

The petition of sundry inhabitants of the county of Jefferson, praying for an amendment of their charter, was read, and referred to the committee on banks and insurance companies.

The remonstrance of sundry citizens residing along the route of the road of the Syracuse and Homer Turnpike Company, against the incorporation of said company, was read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the city of Albany, praying for the passage of a law in relation to trotting and running horses on the Troy road, was read, and referred to the committee on the internal affairs of towns and counties.

The petition of the St. David's Benevolent Society of the cities of New-York and Brooklyn, praying for an act of incorporation, was read, and referred to the committee on charitable and religious societies.

The petition of the Gemileth Chesed, or Hebrew Mutual Benefit Society of the city of New-York, praying for an act of incorporation, was read, and referred to the committee on charitable and religious societies.

Three several petitions of sundry inhabitants of the counties of Westchester, Jefferson, Albany and Schoharie, praying for the passage of a law reducing the fees of lawyers, were read, and referred to the select committee on that subject.

Three several petitions of sundry inhabitants of the counties of Montgomery and Schoharie, praying for relief, and for an alteration of the law respecting landlord and tenant, were read, and referred to a select committee.

The petition of sundry inhabitants of the county of Tioga, praying for the passage of a law authorising the New-York and Erie Railroad Company to change the location of their road at certain points, was read, and referred to the committee of the whole when on the bill upon that subject.

Two several remonstrances of sundry inhabitants of the county of Sullivan, against locating any part of the New-York and Erie railroad out of the State, were read, and referred to the committee of the whole when on the bill upon that subject.

Four several petitions of sundry inhabitants of the counties of Oneida, Seneca and Onondaga, praying for the passage of a law submitting the question of license to the people of the several towns and cities in this State, were read, and referred to the committee of the whole when on the bill upon that subject.

Six several remonstrances of sundry inhabitants of the counties of New-York, Dutchess, Columbia, Kings and Rensselaer, against the incorporation of the American and Foreign Bible Society, were read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Wayne, praying for the renewal and extension of the charter of the Oswego and Syracuse Railroad Company, was read, and referred to the committee of the whole when on the bill upon that subject.

Five several petitions of the trustees of the Fulton, Augusta and Ovid Academies, and of the Brockport Collegiate Institute, praying for the more equal distribution of the Literature fund, were read, and referred to the committee of the whole when on the bill upon that subject.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to authorise the board of supervisors of Monroe county to borrow money, and to build a bridge across the Genesee river," reported, that the committee



had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the petition of sundry citizens of the city of Troy, for the incorporation of the Troy Gas Light Company, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Chase accordingly brought in the said bill, entitled "An act incorporating the Troy Gas Light Company;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to provide for making fences along highways, and for allowing domestic animals to pasture on the same," reported, that the committee had examined the said bill, and concluded to offer the following resolution, to wit :

*Resolved*, That the said bill be rejected.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Thompson, from the committee on charitable and religious societies, to which was referred the petition for the incorporation of a benevolent society, to be called the Shaareh Tikvah, or Gates of Hope, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Thompson accordingly brought in the said bill, entitled "An act to incorporate the Shaareh Tikvah, or Gates of Hope Benevolent Association in the city of New-York;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Boughton, from the committee on grievances, to which was referred the petition of Yates and Vanderbogat, for relief, reported in writing, and asked leave to bring in a bill.

[ See Document No. 65.]

Leave being granted, Mr. Boughton accordingly brought in the said bill, entitled "An act for the relief of Isaac I. Yates and Joseph Y. Vanderbogat;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Long, from the committee on the public lands, to which was referred the petition of Nelson Wolcott, for relief, reported favorably to the prayer of the petitioner, and asked leave to bring in a bill.

Leave being granted, Mr. Long accordingly brought in the said bill, entitled "An act for the relief of Nelson Wolcott;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Tefft, from the committee on claims, to which was referred the

petition of Merrit Clark and others, for compensation on a canal contract, reported unfavorably to the prayer of the petitioners, and offered the following resolution, to wit :

*Resolved*, That the prayer of the petitioners ought not to be granted.

On motion of Mr. Walrath,

*Ordered*, That the said resolution be laid on the table.

Mr. Tefft, from the committee on claims, to which was referred the petition of Jacob Vandermark and others, for compensation on a canal contract, reported unfavorably to the prayer of the petitioners, and offered the following resolution, to wit :

*Resolved*, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Tefft, from the committee on claims, to which was referred the petition of James Stewart, for remuneration of expenses incurred in consequence of a change of location of lock number 30 on the enlargement of the Erie Canal, reported the following resolution, to wit :

*Resolved*, That the committee on claims be discharged from the consideration of the petition of James Stewart, and that the same be referred to the Canal Board.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. G. Gould, from the committee on charitable and religious societies, to which was referred the petition for the incorporation of the Mutual Assistance Society for the widows and orphans of the Jewish persuasion, reported favorably to the prayer of the petition, and asked leave to bring in a bill.

Leave being granted, Mr. G. Gould accordingly brought in the said bill, entitled "An act to incorporate the Esrath Yethomin Ve-almonoth, or Mutual Assistance Society for widows and orphans of the Jewish persuasion ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. A. H. Buell, from the committee on banks and insurance companies, to which was referred the petition of G. B. Rich and others, for an amendment of the charter of the Mutual Insurance Company of the city of Buffalo, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. A. H. Buell accordingly brought in the said bill, entitled "An act to amend the charter of the Mutual Insurance Company of Buffalo;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. L. H. Brown, from the committee on colleges, academies and common schools, to which was referred the petition of John Hutchings, relative to a tax in the county of Kings, reported favorably to the prayer of the petitioner, and asked leave to bring in a bill.

Leave being granted, Mr. L. H. Brown accordingly brought in the said bill, entitled "An act for the relief of John Hutchings ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the engrossed bill from the Senate, entitled "An act in relation to the court of common pleas and general sessions of the county of Saratoga," together with the amendments of the Assembly which were non-concurred in by the Senate, reported, that the committee had examined the said bill and amendments, and recommend that the House do recede from their said amendments.

The said amendments having been read,

Mr. Speaker put the question whether the House would recede from their said amendments non-concurred in by the Senate, and it was determined in the affirmative.

*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have receded from their amendments to the said bill, which were non-concurred in by the Senate.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the petition of the board of supervisors of the county of Genesee, praying for the passage of an act reducing the compensation of the sheriff for transporting a single convict to the State Prison or House of Refuge, reported unfavorably to the prayer of the petitioners, and offered the following resolution, to wit :

*Resolved*, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the petition of the board of supervisors of the county of Schenectady, praying for an amendment of the law relative to the trial of criminals in said county, reported unfavorably to the prayer of the petitioners, and offered the following resolution, to wit :

*Resolved*, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the petition of the board of supervisors of the county of Franklin, praying for the passage of an act relative to the powers of surrogates, reported unfavorably to the prayer of the petitioners, and offered the following resolution, to wit :

*Resolved*, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the bill entitled "An act extending the jurisdiction of courts of justices of the peace, to suits against corporations," reported, that the committee had examined the said bill, and concluded to offer the following resolution, to wit :

*Resolved*, That the bill ought not to become a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the bill entitled "An act to improve the law of evidence," reported, that the committee had examined the said bill, and concluded to offer the following resolution, to wit :



*Resolved*, That the bill ought not to become a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the bill entitled "An act concerning choses and actions," reported, that the committee had examined the said bill, and concluded to offer the following resolution, to wit :

*Resolved*, That the bill ought not to become a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to costs upon trials before courts of special sessions," reported, that the committee had examined the said bill, and concluded to offer the following resolution, to wit :

*Resolved*, That the bill ought not to become a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

A communication from the Hon. John Van Buren was received and read, in the words following, to wit :

*Albany, February 8, 1845.*

TO THE SPEAKER OF THE ASSEMBLY.

SIR,

I have received a copy of the concurrent resolution of the Senate and Assembly, appointing me to the office of Attorney General of this State; and ask the favor of you to communicate to the body over which you preside, my acceptance of the same, and my deep sense of the honor conferred upon me.

Your obedient servant,

J. VAN BUREN.

On motion of Mr. Harris,

The House then proceeded to the consideration of the question on the final passage of the bill entitled "An act further to amend the act entitled 'An act relative to the city of Albany,' passed April 16, 1842."

Mr. T. R. Lee moved to refer the said bill to the committee on the judiciary.

Mr. Harris moved to amend the said motion of Mr. T. R. Lee, by adding that the said committee be instructed to report the bill complete.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Harris, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to the said motion of Mr. T. R. Lee, as amended, and it was determined in the affirmative.

In pursuance of previous notice, Mr. Sweeney asked for and obtained leave to bring in a bill, entitled "An act to improve the militia of this State;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the militia and public defence.



Mr. De Puy offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the officers of the different stock fire insurance companies of the cities of New-York and Brooklyn furnish to this House, within ten days, a statement, under oath, showing the amount of their receipts for insurance upon property in this State ; and the amount of tax paid by them during the years 1842, 1843 and 1844 : And the Clerk is hereby directed to furnish each of said companies with a copy of this resolution without delay.

Mr. Moulton moved to amend the said resolution, by substituting the word "twenty" for the word "ten," in the third line of the same.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Moulton, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to the said resolution, as amended, and it was determined in the affirmative.

Mr. Worden gave notice that he would, at a future day, ask leave to introduce a bill to make cities and incorporated villages liable to all persons for loss by the destruction of property by mobs or riots, in such cities and villages.

Mr. Niven offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the Clerk be authorised to defray, out of the contingent fund of this house, the expenses incurred in the recent alterations of the seats and railing to the lobby of the Assembly chamber, and for making the index to the Assembly Journal for 1844.

Mr. Bloss called for a division of the question.

Mr. Speaker put the question whether the House would agree to so much of the said resolution as provides for defraying the first item of expenses mentioned therein, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to so much of the said resolution as provides for defraying the last item of expenses mentioned therein, and it was determined in the affirmative.

Mr. Van Schoohoven offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the resolutions relating to the controversy between South-Carolina and Massachusetts, some time since referred to a committee of the whole house, be made a special order for Thursday next, at twelve o'clock noon ; at which time, the House will go into committee upon that subject.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the negative.

{ AYES 40 }  
{ NAYS 49 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Betts        | Mr. G. Goold   | Mr. Raymond         |
| Mr. Bloss        | Mr. Hammond    | Mr. Sherman         |
| Mr. Bowen        | Mr. Harris     | Mr. J. Stevenson    |
| Mr. T. Buel      | Mr. Horton     | Mr. Sweeney         |
| Mr. Bush         | Mr. Huntington | Mr. Thompson        |
| Mr. Casner       | Mr. Jarvis     | Mr. Tibbits         |
| Mr. Collins      | Mr. Johnson    | Mr. Van Schoonhoven |
| Mr. C. F. Crosby | Mr. D. Lee     | Mr. Wells           |
| Mr. Culver       | Mr. Litchfield | Mr. White           |
| Mr. De Puy       | Mr. Long       | Mr. Wilcox          |
| Mr. Dewey        | Mr. M'Vean     | Mr. Worden          |
| Mr. Edwards      | Mr. Mann       | Mr. A. W. Young     |
| Mr. Field        | Mr. Morrison   | Mr. J. Young        |
| Mr. Frisbee      |                |                     |

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Those who voted in the negative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bevens      | Mr. Fonda        | Mr. Porter          |
| Mr. Billings    | Mr. D. Gould     | Mr. Preston         |
| Mr. Blake       | Mr. Gregory      | Mr. Rogers          |
| Mr. Boughton    | Mr. Harden       | Mr. Russell         |
| Mr. J. Brooks   | Mr. Hazelton     | Mr. Salisbury       |
| Mr. M. Brooks   | Mr. Howard       | Mr. Skelton         |
| Mr. Brower      | Mr. Knapp        | Mr. A. C. Smith     |
| Mr. L. H. Brown | Mr. T. R. Lee    | Mr. W. Smith        |
| Mr. A. H. Buel  | Mr. M'Key        | Mr. Speaker         |
| Mr. Bunker      | Mr. C. B. Miller | Mr. R. L. Stevenson |
| Mr. Burdick     | Mr. S. Miller    | Mr. Strobbridge     |
| Mr. Cameron     | Mr. Morris       | Mr. Tefft           |
| Mr. Carpenter   | Mr. Moulton      | Mr. Thayer          |
| Mr. Chase       | Mr. Newkirk      | Mr. Tuthill         |
| Mr. Danforth    | Mr. Niven        | Mr. Van Valkenburgh |
| Mr. Dayton      | Mr. Pierce       | Mr. Wheeler         |
| Mr. Fellows     |                  |                     |

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Mr. Harris moved that the bill entitled "An act to amend the act entitled 'An act authorising the construction of a basin in the city of Albany, at the termination of the Erie and Champlain canals,' passed April 5th, 1823," be taken from the table, and engrossed for a third reading.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Harris, and it was determined in the affirmative.

The House then again resolved itself into a committee of the whole, on the annual message of the Governor; and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Sweeney, from the said committee, reported progress, and asked for and obtained leave to sit again.

A communication from the Canal Board was received and read, in the words following, to wit :

CANAL DEPARTMENT, }  
Albany, February 8, 1845. }

TO THE LEGISLATURE.

By the fourth subdivision of section five of "An act in relation to the construction of the New-York and Erie railroad," passed April 18th, 1843, it is made the duty of the Railroad Commissioner, appointed under said act, to report the result of his proceedings to the Canal Board, on the first Tuesday of January in each year. His report, dated January 2d, 1845, is herewith transmitted, for the information of the Legislature.

Respectfully submitted,

JONAS EARLL JUNIOR,  
A. C. FLAGG,  
NATHANIEL JONES,  
DANIEL P. BISSELL,  
N. S. BENTON,  
STEPHEN CLARK.

[See Document No. 63.]

On motion of Mr. Wyckoff,

*Ordered*, That ten times the usual number of copies of said report be printed for the use of the Legislature.

A message from the Senate, with the bill and amendments therein mentioned, was received and read, informing that they had concurred in the amendments of the Assembly to the bill entitled "An act to amend the thirty-fifth section of chapter ninth, title third, article first of the Revised Statutes, relating to writs of error and appeals," with the following amendments thereto, to wit :

1. In the first line of section first of the bill from the Senate, strike out the words "the act aforesaid," and insert in lieu thereof the words "article first, title third, chapter ninth of the third part of the Revised Statutes, relating to writs of error and appeals."

2. After the word "justify," in the fourth line of the second amendment of the Assembly, insert the words "if the judgment recovered shall not exceed five hundred dollars."

3. Strike out the word "double," in the fifth line after the said amendment.

The said bill and amendments having been read,

*Ordered*, That the same be referred to the committee on the judiciary.

On motion of Mr. C. F. Crosby,

The House then adjourned to eleven o'clock on Monday morning.

## MONDAY, FEBRUARY 10, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Kennedy.

The minutes of Saturday were read and approved.

The petition of sundry inhabitants of the county of Montgomery, praying for the reduction of the rate of interest to six per centum, was read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the city of New-York, praying for the passage of a registry law, was read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the county of Albany, praying for an increase of the compensation of jurors and witnesses, was read, and referred to the committee on the judiciary.

Two several petitions of sundry inhabitants of the counties of Chenango and Otsego, praying for the incorporation of a company to construct a turnpike road from the village of Unadilla in the county of Otsego, to the village of Norwich in the county of Chenango, were read, and referred to the committee on roads and bridges.

Three several remonstrances of sundry inhabitants of the counties of Chautauque and Erie, against a recharter of the company for the erection of a toll-bridge across the Eighteen-mile creek, were read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the county of Cayuga, praying for a reduction of the salaries of the officers of the State Prison at Auburn, was read, and referred to the committee on state prisons.

The petition of sundry inhabitants of the county of Livingston, praying for the reduction of railroad fare, was read, and referred to the committee on railroads.

The petition of sundry inhabitants of the county of St. Lawrence, praying for the incorporation of a company to construct a railroad from the St. Lawrence river to Lake Champlain, was read, and referred to the committee on railroads.

The petition of sundry inhabitants of the county of Tioga, praying the Legislature to grant such aid to the New-York and Erie Railroad Company, as will ensure the completion of a single track of said road from the Hudson river to Lake Erie, was read, and referred to the committee on railroads.

Two several petitions of Ray Clark and others, and of Horatio T. McGeorge and Davy D. McGeorge, praying for relief on account of canal damages, were read, and referred to the committee on canals.

The petition of sundry inhabitants of the city of Troy, praying for the passage of a law to close the locks upon the State canals on Sundays, was read, and referred to the committee on canals.

The petition of sundry inhabitants of the county of Cattaraugus, praying for the completion of the Genesee Valley Canal, was read, and referred to the committee on canals.



The petition of sundry inhabitants of the county of Lewis, praying for the completion of the Black River Canal, according to the spirit and meaning of the law of 1836, authorising the same, was read, and referred to the committee on canals.

The petition of sundry inhabitants of the village of Fairport in the county of Chemung, praying for the passage of a law restoring to the said village its original name of Horseheads, was read, and referred to the committee on the internal affairs of towns and counties.

The petition of sundry inhabitants of the village of Lansingburgh in the county of Rensselaer, praying for the passage of a law prohibiting the running and trotting of horses on the Troy and Albany road, and permitting the same on the Bull's Head Course, was read, and referred to the committee on the internal affairs of towns and counties.

The petition of the supervisors of the county of Dutchess, praying that the present system of supporting the poor in said county may be abolished, and for other purposes, was read, and referred to the committee on the internal affairs of towns and counties.

A resolution of the board of supervisors of the county of Essex, praying that the present system of supporting the poor in said county may be abolished, and for other purposes, was read, and referred to the committee on the internal affairs of towns and counties.

Three several petitions of sundry inhabitants of the counties of Cayuga, Jefferson and Livingston, praying for the abolition of the office of county superintendent of common schools, and for the discontinuance of the publication of the Common School Journal, were read, and referred to the committee on colleges, academies and common schools.

The petition of sundry inhabitants of the city of New-York, praying for the passage of an act in relation to the quarantine laws of the port of New-York, was read, and referred to a select committee, consisting of the members attending this house from the city and county of New-York.

Four several petitions of sundry inhabitants of the counties of Otsego and Delaware, praying for the erection of a new county from parts of the counties of Otsego, Delaware and Chenango, with the seat of justice at Unadilla, were read, and referred to the committee on the erection and division of towns and counties.

Three several remonstrances of sundry inhabitants of the counties of Chenango and Delaware, against any division of said counties, were read, and referred to the committee on the erection and division of towns and counties.

The petition of sundry inhabitants of the city of New-York, praying for an alteration of the militia law, was read, and referred to the committee on the militia and the public defence.

The petition of Robert F. Johnstone of the city of Albany, praying for permission to do the State printing for fifteen per centum less than it is now done, was read, and referred to the committee on the public printing.

Eight several petitions of sundry inhabitants of the counties of Cayuga, Otsego, Seneca, Tompkins, Oswego and Cattaraugus, praying for the

passage of a law submitting the question of license to the people of the several towns and cities in this State, were read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Seneca, praying for the incorporation of the American and Foreign Bible Society, was read, and referred to the committee of the whole when on the bill upon that subject.

Three several remonstrances of sundry inhabitants of the counties of New-York, Rensselaer and Saratoga, against the incorporation of the American and Foreign Bible Society, were read, and referred to the committee of the whole when on the bill upon that subject.

The petition of the trustees of the Union Village Academy, praying for a more equal distribution of the Literature fund, was read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Oneida, praying for the passage of a penal law to suppress licentiousness, was read, and referred to the committee of the whole when on the bill upon that subject.

Four several remonstrances of sundry inhabitants of the counties of Otsego, Delaware, Sullivan and Chenango, against locating any part of the New-York and Erie railroad in the State of Pennsylvania, were read, and referred to the committee of the whole when on the bill upon that subject.

Eleven several petitions of sundry inhabitants of the counties of Albany, Schoharie and Rensselaer, praying for an alteration of the law respecting landlord and tenant, were read, and referred to a select committee.

The petition of sundry inhabitants of the county of Tioga, praying for a reduction of the fees of lawyers, was read, and referred to a select committee.

Mr. J. Young, from the committee on the judiciary, to which was referred the petition of the board of supervisors of the county of Saratoga, relative to a law vesting certain powers in the several towns in said county, reported, that the committee had considered the said petition, and come to a conclusion favorable to the general principles contained therein, and asked leave to bring in a bill.

Leave being granted, Mr. J. Young accordingly brought in the said bill, entitled "An act in relation to the cost of certain examinations before justices of the peace and other officers, and of courts of special sessions;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Tefft, from the committee on medical societies and colleges, to which was referred the petitions of sundry physicians and surgeons of the city of New-York, praying that aid may be granted to the College of Physicians and Surgeons in said city, reported in writing, and asked leave to bring in a bill.

Leave being granted, Mr. Tefft accordingly brought in the said bill, entitled "An act to aid the College of Physicians and Surgeons in the city of New-York ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. L. H. Brown, from the committee on colleges, academies and common schools, to which was referred the bill entitled "An act to incorporate the Mechanics' Literary Association of the village of Canandaigua," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered,* That the said bill be committed to a committee of the whole house.

Mr. Carpenter, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to amend the act entitled 'An act authorising the construction of a basin in the city of Albany, at the termination of the Erie and Champlain canals,' passed April 5th, 1823," and found the same correctly engrossed.

*Ordered,* That the said bill do have its third reading.

Mr. Morrison, from the select committee consisting of the members attending this house from the city and county of New-York, to which was referred the bill entitled "An act for ascertaining by proper proofs the citizens who shall be entitled to the right of suffrage in the city and county of New-York," reported in writing, and concluded by recommending that the said bill be passed into a law.

[*See Document No. 69.*]

*Ordered,* That the said bill be committed to a committee of the whole house.

On motion of Mr. Morrison,

*Ordered,* That three times the usual number of copies of the said report be printed for the use of the Legislature.

A communication from the Hon. Martin Van Buren was received and read, in the words following, to wit :

*Lindenwald, February 7, 1845.*

SIR,

I received last evening copies of the resolutions of the two Houses of the Legislature, appointing me one of the Regents of the University.

The appointment is one of a character which would induce me to accept it without hesitation, if I could hope to discharge its duties with advantage ; but neither residing at the seat of government where the meetings of the board are held, nor expecting to spend much of my time there during the usual period of its sessions, and having frequently whilst a member experienced the great inconvenience which arises from the remote residence of so many of the regents, I am confident I shall best consult my duty to the State, and the great interests committed to the charge of the board, by enabling the Legislature to select a citizen in my place who is more eligibly situated in these respects.

I beg you, therefore, to inform the Honorable the Assembly of my



declension of the appointment, and to express to its members my unfeigned thanks for this gratifying manifestation of their continued respect and regard.

I am, Sir, very respectfully,  
Your obedient servant,

MARTIN VAN BUREN.

The Hon. HORATIO SEYMOUR,  
*Speaker of the Assembly.*

The report of the Troy and Greenbush Railroad Association, in pursuance of a resolution of the Assembly, was received and read.

[See Document No. 68.]

On motion of Mr. Harris,

*Ordered*, That three times the usual number of copies of the said report be printed for the use of the Legislature.

A message from the Senate, with the bill therein mentioned, was received and read, informing that they have passed the bill entitled "An act to pay the militia called into service in December 1844, and January 1845, and for other purposes," and request the concurrence of the Assembly in the same.

The said bill was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the militia and public defence.

The bill entitled "An act to amend the act entitled 'An act authorising the construction of a basin in the city of Albany, at the termination of the Erie and Champlain canals,'" was announced by the Chair as in order for a third reading.

On motion of Mr. Harris,

*Ordered*, That the said bill be referred to the committee on canals.

Mr. Wheeler gave notice that he would, on some early day, ask leave to introduce a bill amending the Revised Statutes in relation to attachments against non-resident debtors.

Mr. Wheeler gave notice that he would, at an early day, ask leave to introduce a bill to amend the law in the collection of debts, and for other purposes.

Mr. Wheeler gave notice that he would, at an early day, ask leave to introduce a bill to amend the Revised Statutes in relation to the reference of suits at law.

Mr. J. Brooks gave notice that he would, at an early day, ask leave to introduce a bill to amend the charter of the Montgomery Academy, Orange county.

On motion of Mr. Thompson,

*Resolved*, That five times the usual number of the ninth annual report of the managers of the New-York Institution for the Blind, be printed for the use of the members of this house.

Mr. Wheeler offered for the consideration of the House a preamble and resolution, in the words following, to wit :

WHEREAS governments are instituted for the safety and happiness of  
[ASSEMBLY JOURNAL.]



the people, and that safety and happiness are permanent as long as the spirit of forbearance and mutual concession are manifested : And whereas that manifestation is made by the last outward, honest show of the ballot-box, and its multiform character made into one whole by those the people elect to carry out their wishes : And whereas all questions of extending the territory of the sovereignty of a people are difficult and embarrassing, and require time for a perfect embodiment, that other governments may acknowledge the justice, the high purpose, and the commanding good to the family of nations of such extension of power : And whereas the people of the United States, in their several sovereign capacities, have indicated their wishes in the election of a chief magistrate of this nation, and others to form a new congress, to carry out the will of the people : And whereas the question of the annexation of the Republic of Texas to this Union has been presented in various forms by the present National Executive to the two Houses of Congress, and by them discussed, acted upon, but not perfected : And whereas the present chief magistrate of the nation is soon to leave his official station, and many of the present members of congress to those whom the people have elected, and whose official relations to the people may be made perfect immediately after the fourth of March next :

Therefore,

*Resolved*, (if the Senate concur,) That our senators in Congress be instructed, and our representatives in Congress be earnestly requested, to use their best efforts to postpone until the next session of Congress any action for the annexation of the Republic of Texas to the United States, except such as may lead to the appointment of a commission with powers to negotiate terms and conditions for the cession of such territory as may be deemed wise to have annexed, and to settle the southern boundary between the United States and the Republic of Mexico, from the Atlantic to the Pacific ocean, to be submitted to the two Houses of Congress at their first meeting after the fourth of March next.

*Ordered*, That the said preamble and resolution be referred to the select committee on the annexation of Texas to the United States.

The House then again resolved itself into a committee of the whole, on the annual message from the Governor ; and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Sweeney, from the said committee, reported progress, and asked for and obtained leave to sit again.

The House then resolved itself into a committee of the whole, on the bill entitled "An act for the relief of Joseph Perrine ;" the bill entitled "An act to amend the charter of the village of Geneva ;" and the bill entitled "An act to change the names of Richard Bull, George E. Bull, Henry Bull and Samuel G. Bull ;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. T. R. Lee, from the said committee, reported, that the committee had gone through the bill entitled "An act for the relief of Joseph Perrine," and agreed to the same without amendment ; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. T. R. Lee, from the same committee, also reported that the

committee had gone through the bill entitled "An act to amend the charter of the village of Geneva," and agreed to the same without amendment; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. T. R. Lee, from the same committee, also reported that the committee had gone through the bill entitled "An act to change the names of Richard Bull, George E. Bull, Henry Bull and Samuel G. Bull," and agreed to the same without amendment; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

On motion of Mr. C. B. Miller,

The House then adjourned to eleven o'clock to-morrow morning.

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## TUESDAY, FEBRUARY 11, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Huntington.

The minutes of yesterday were read and approved.

The petition of sundry inhabitants of the county of Albany, praying for an increase of the compensation of jurors and witnesses, was read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the county of Saratoga, praying for the passage of a law for the appointment of a police justice in the village of Saratoga-Springs in said county, was read, and referred to the committee on the judiciary.

Three several petitions of sundry inhabitants of the county of Herkimer, praying for the passage of a law laying out a road from the village of Littlefalls to the line of Warren in said county, were read, and referred to the committee on roads and bridges.

Two several remonstrances of sundry inhabitants of the town of Hamburg in the county of Erie, against the erection of a toll-bridge over the Eighteen-mile creek, were read, and referred to the committee on roads and bridges.

The petition of the German Benevolent Society of the city of Utica, praying for an act of incorporation, was read, and referred to the committee on charitable and religious societies.

Two several petitions of sundry inhabitants of the county of Herkimer, praying for a repeal of the law allowing railroad companies to carry freight, were read, and referred to the committee on railroads.

Seven several petitions of sundry inhabitants of the county of Greene, praying for an alteration in the common school law, were read, and referred to the committee on colleges, academies and common schools.

Two several remonstrances of sundry persons navigating the canal, against closing the draw in pier bridges, were read, and referred to the committee on canals.

Three several petitions of sundry inhabitants of the villages of West-Troy in the county of Albany, Albion in the county of Orleans, and Elmira in the county of Chemung, praying for the passage of a law requiring the locks of the canals to be closed on the Sabbath, were read, and referred to the committee on canals.

The petition of two hundred and eighty inhabitants of the village of Dansville in the county of Livingston, praying for the passage of a law in relation to the slip and basin in said village, was read, and referred to the committee on canals.

The remonstrance of sundry inhabitants of the town of Cohocton in the county of Steuben, in relation to the slip and basin at Dansville, was read, and referred to the committee on canals.

The remonstrance of sundry inhabitants of the county of Herkimer, against the increase of tolls on packet boats, was read, and referred to the committee on canals.

The petition of one hundred residents of the vicinity of the Genesee Valley Canal, praying for the resumption of work on that canal, was read, and referred to the committee on canals.

The petition of Jacob Bellinger and others of the county of Erie, praying for the passage of a law authorising the draining of certain lands in the village of Blackrock in said county, was read, and referred to the committee on canals.

The petition of sundry inhabitants of the town of Norwich in the county of Chenango, praying for the incorporation of a company to construct a turnpike road from the village of Norwich to the village of Unadilla in the county of Otsego, was read, and referred to the committee on roads and bridges.

Three several petitions of sundry inhabitants of the counties of Otsego and Chenango, praying for the erection of a new county from parts of the counties of Otsego, Chenango and Delaware, with the seat of justice at Unadilla, were read, and referred to the committee on the erection and division of towns and counties.

Two several remonstrances of sundry inhabitants of the county of Delaware, against any division of said county, were read, and referred to the committee on the erection and division of towns and counties.

The petition of sundry inhabitants of the towns of Greenbush and Schodack in the county of Rensselaer, praying for the passage of a law to require country banks to redeem their notes at par in the cities of New-York and Albany, was read, and referred to the committee on banks and insurance companies.

The petition of the trustees of St. Lawrence Academy, praying for relief in relation to the teacher's department established in their academy, was read, and referred to the Regents of the University.

The remonstrance of sundry inhabitants of the county of Madison, against the passage of a law to grant relief to the purchasers of lands on the Oneida reservation, was read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the city of New-York, praying for the passage of a law regulating the sale of intoxicating liquors in that city, was read, and referred to the committee of the whole when on the bill upon that subject.



The petition of the trustees of Monroe Academy, praying for a more equal distribution of the Literature Fund, was read, and referred to the committee of the whole when on the bill upon that subject.

Three several petitions of sundry inhabitants of the counties of Ontario, Albany and Otsego, praying for an alteration of the excise law, were read, and referred to the committee of the whole when on the bill upon that subject.

Two several petitions of sundry inhabitants of the counties of Steuben and Madison, praying for the passage of a law to punish licentiousness, were read, and referred to the committee of the whole when on the bill upon that subject.

Two several remonstrances of sundry inhabitants of the counties of Onondaga and New-York, against the incorporation of the American and Foreign Bible Society, were read, and referred to the committee of the whole when on the bill upon that subject.

Fifteen several petitions of sundry inhabitants of the counties of Albany, Rensselaer, Schoharie and Greene, praying for an alteration of the law respecting landlord and tenant, were read, and referred to a select committee.

The petition of sundry inhabitants of the county of Erie, praying for a reduction of the fees of lawyers, was read, and referred to a select committee.

Seven several remonstrances of sundry inhabitants of the counties of Broome, Chenango, Delaware, Otsego and Sullivan, against locating any part of the New-York and Erie railroad out of the State, were read, and referred to the committee of the whole when on the bill upon that subject.

The Chair announced the appointment of the select committee on the petitions for an alteration of the law of landlord and tenant, to consist of Mr. Constant, Mr. Harris, Mr. Boughton, Mr. L. H. Brown and Mr. M'Carthy.

Mr. Tefft, from the committee on claims, to which was referred the petition of Patrick Cooney, for relief, reported favorably to the prayer of the petitioner, and asked leave to bring in a bill.

Leave being granted, Mr. Tefft accordingly brought in the said bill, entitled "An act for the relief of Patrick Cooney;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the petition of sundry inhabitants of the city and county of Albany, for the passage of a law relative to horse-racing on the Troy road, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Chase accordingly brought in the said bill, entitled "An act to prevent the racing and trotting of horses on the Albany and Troy macadamized road, and for other purposes;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Howard, from the committee on canals, to which was referred



the petition of Michael Quarters, for relief, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Howard accordingly brought in the said bill, entitled "An act for the relief of Michael Quarters;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Carpenter, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act for the relief of Joseph Perrine;" the bill entitled "An act to amend the act passed May 6th, 1837, and entitled 'An act to amend the act incorporating the village of Geneva;'" and the bill entitled "An act to change the names of Richard Bull, George E. Bull, Henry Bull and Samuel G. Bull," and found the same severally correctly engrossed.

*Ordered*, That the said bills do have their third reading.

Mr. A. H. Buell, from the committee on banks and insurance companies, to which was referred the petitions of sundry insurance companies in the cities of New-York and Brooklyn, praying for an increase of the existing tax on premiums, etc., reported in writing, and concluded by offering the following resolution, to wit :

*Resolved*, That the prayer of the petitioners ought not to be granted.

[See Document No. 80.]

On motion of Mr. Worden,

*Ordered*, That the said report and resolution be laid on the table.

On motion of Mr. Chase,

*Ordered*, That three times the usual number of copies of the said report be printed for the use of the Legislature.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the engrossed bill from the Senate, entitled "An act to amend the thirty-fifth section of chapter ninth, title third, article first of the Revised Statutes, relating to writs of error and appeals," together with the amendments of the Senate to the amendments made by the Assembly to the said bill, reported, that the committee had examined the same, and concluded to recommend that the House do concur with the Senate in their said amendments.

The said amendments having been read,

Mr. Speaker put the question whether the House would concur with the Senate in their said amendments, and it was determined in the affirmative.

*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred in the amendments of the Senate to the amendments of the Assembly to the said bill, and amended the same accordingly.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the bill entitled "An act to provide a seal for the court of oyer and terminer and general sessions of the peace in and for the city and county of New-York," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Wheeler, from the committee on the judiciary, to which was referred the petition of the mayor, aldermen and commonalty of the city of New-York, relative to taxes and jurors, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Wheeler accordingly brought in the said bill, entitled "An act relative to taxes and jurors in the city of New-York ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Huntington, from the committee on state prisons, reported a bill, entitled "An act to amend an act in relation to State prisons, passed May 1st, 1844 ;" which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. Huntington,

*Ordered*, That the said bill be made a special order for Tuesday next, at twelve o'clock.

A communication from the Hon. Azariah C. Flagg was received and read, in the words following, to wit :

COMPTROLLER'S OFFICE, }  
Albany, February 11, 1845. }

TO THE SPEAKER OF THE ASSEMBLY.

SIR,

I have received the joint resolution of the Senate and Assembly, conferring on me the appointment of Comptroller. I accept the office, and ask leave through you to tender my thanks to the body over which you preside, for this renewed testimonial of the confidence of the Legislature.

Respectfully your obedient servant,

A. C. FLAGG.

The annual report of the Catskill Bank, relative to unclaimed dividends and deposits, was received, read, and ordered to be printed and laid on the table.

A message from the Senate, with the bill and amendments therein mentioned, was received and read, informing that the Senate had concurred in the amendments of the Assembly to the bill entitled "An act in relation to the courts of common pleas and general sessions of the county of Saratoga," and amended the same accordingly.

The said amended bill having been examined,

*Ordered*, That the Clerk return the same to the Senate.

The engrossed bill entitled "An act to change the names of Richard Bull, George E. Bull, Henry Bull and Samuel G. Bull," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act for the relief of Joseph Perrine," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.

*Ordered,* That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. Niven gave notice that he would ask leave, at an early day, to introduce a bill to amend an act entitled "An act respecting elections," passed April 5th, 1842.

Mr. Wheeler gave notice that he would, at an early day, introduce a bill amending the act more effectually to provide for common school education in the city of New-York, passed May 7th, 1844.

In pursuance of previous notice, Mr. Wheeler asked for and obtained leave to bring in a bill, entitled "An act to amend the Revised Statutes, in relation to the reference of suits at law;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Wheeler asked for and obtained leave to bring in a bill, entitled "An act concerning attachments against absconding, concealed and non-resident debtors;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Wheeler asked for and obtained leave to bring in a bill, entitled "An act for the amendment of the law in the collection of debts, and for other purposes;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

The House then again resolved itself into a committee of the whole, on the annual message of the Governor; and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Horton, from the said committee, reported progress, and asked for and obtained leave to sit again.

The House then again resolved itself into a committee of the whole, on the bill entitled "An act to incorporate a fire company at Glenheim in Fishkill, Dutchess county;" and the bill entitled "An act to amend an act to incorporate the Washington Volunteer Fire Company in the village of Troy;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. M'Key, from the said committee, reported, that the committee had gone through the bill entitled "An act to incorporate a fire company at Glenheim in Fishkill, Dutchess county," made sundry amendments thereto, and agreed to the same; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. M'Key, from the same committee, also reported that the committee had gone through the bill entitled "An act to amend an act to incorporate the Washington Volunteer Fire Company in the village of Troy," and agreed to the same without amendment; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.



A message from the Senate, with the bill and amendments therein mentioned, was received and read, informing that the Senate had concurred in the amendments of the Assembly to the bill entitled "An act to amend the thirty-fifth section of chapter ninth, title third, article first of the Revised Statutes, relating to writs of error and appeals," and amended the same accordingly.

The said amended bill having been examined,

*Ordered*, That the Clerk return the same to the Senate.

Mr. Sager, from the committee on the militia and public defence, to which was referred the engrossed bill from the Senate, entitled "An act to pay the militia called into service in December 1844, and January 1845," reported, that the committee had examined the said bill, and recommend that the same be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

*Ordered*, That Mr. Garretson have leave of absence for seven days, and Mr. Strobbridge for fourteen days.

On motion of Mr. Betts,

The House then adjourned to eleven o'clock to-morrow morning.

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## WEDNESDAY, FEBRUARY 12, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Kennedy.

The minutes of yesterday were read and approved.

The petition of William H. Vedder of the county of Greene, praying for the passage of an act to release him from the obligations of an improper marriage, was read, and referred to the committee on the judiciary.

Three several petitions of sundry inhabitants of the towns of Hume in the county of Allegany, Plattsburgh in the county of Clinton, and Chenango in the county of Broome, praying for an extension of time for the collection of taxes in said towns, were read, and referred to the committee on the judiciary.

The petition of Amos W. Scriven of the county of Niagara, praying for relief on account of damages resulting to his property, caused by the erection of a temporary dam across the canal near his premises, by the State authorities, was read, and referred to the committee on grievances.

The petition of A. M. Adsit of the county of Albany, praying for relief in consequence of damages sustained by the sinking of a boat while navigating the Erie canal, was read, and referred to the committee on grievances.

The petition and affidavit of John Whitehead, son of William White-



head deceased, a revolutionary soldier, praying for relief, were read, and referred to the committee on the militia and public defence.

The petition of sundry inhabitants of the city of New-York, praying for the incorporation of the People's Mutual Insurance Company in said city, was read, and referred to the committee on banks and insurance companies.

Three several petitions of the president and directors of the Central Bank of Cherry-valley, and sundry inhabitants of the county of Greene, praying for the passage of a law requiring all the banks in this State to redeem their notes at par in the city of New-York or Albany, were read, and referred to the committee on banks and insurance companies.

The petition of sundry inhabitants of the town of Edmeston in the county of Otsego, praying for an amendment of a law passed February 26th, 1828, regulating the school fund of said town, was read, and referred to the committee on colleges, academies and common schools.

The petition of the trustees of the Waterloo Academy, praying for a loan of the sum of four thousand dollars, was read, and referred to the committee on colleges, academies and common schools.

Eight several petitions of sundry inhabitants of the counties of Columbia and Greene, praying for an alteration of the common school law, were read, and referred to the committee on colleges, academies and common schools.

Three several remonstrances of sundry inhabitants of the counties of Montgomery and Madison, against allowing railroad companies to carry freight, were read, and referred to the committee on railroads.

The petition of sundry owners and navigators of boats on the Erie Canal, praying for a repeal of the act allowing the Utica and Schenectady Railroad Company to carry freight, was read, and referred to the committee on railroads.

Two several petitions of sundry inhabitants of the county of Jefferson, praying for the incorporation of a bridge company at Port Ontario in the county of Oswego, were read, and referred to the committee on roads and bridges.

The remonstrance of sundry inhabitants of the county of Chautauque, against the recharter of the company for the erection of a toll-bridge across the Eighteen-mile creek, was read, and referred to the committee on roads and bridges.

The remonstrance of sundry inhabitants of the village of Hydepark in the county of Dutchess, against the charter of a ferry across the Hudson river at that place, was read, and referred to the committee on roads and bridges.

Three several petitions of sundry inhabitants of the county of Steuben, praying for the passage of a law in reference to the Crooked Lake Canal, were read, and referred to the committee on canals.

The petition of sundry inhabitants of the city of Rochester, praying for an equalization of the tolls on the Erie and Oswego canals, was read, and referred to the committee on canals.

The remonstrance of the mayor, recorder and common council of the city of Troy, against the erection of a bridge across the Hudson river at the city of Albany, was read, and referred to the committee on roads and bridges.

Mr. Van Schoonhoven moved that the said remonstrance be printed.

Mr. Speaker put the question whether the House would agree to the said motion, and it was determined in the affirmative.

[See Document No. 72.]

The petition of sundry inhabitants of the county of Schenectady, praying for the passage of a law requiring the closing of the canal locks on the Sabbath, was read, and referred to the committee on canals.

The petition of sundry residents of the vicinity of the Genesee Valley Canal, praying for the connexion of the Dansville slip and basin with the canal at Dansville, was read, and referred to the committee on canals.

The petition of sundry inhabitants of the county of Jefferson, praying for the completion of the unfinished public works, was read, and referred to the committee on canals.

The petition of sundry inhabitants of the county of Lewis, praying for an appropriation for the Black River Canal, was read, and referred to the committee on canals.

The petition of John Allerthorn, an alien, praying for the passage of a law vesting and confirming in him the title to certain lands escheated to the State, was read, and referred to the committee on the petitions of aliens.

The petition of Robert Miligan, an alien, praying that he may be authorised to hold and convey real estate, was read, and referred to the committee on the petitions of aliens.

Five several petitions of sundry inhabitants of the counties of Delaware, Chenango and Otsego, praying for the erection of a new county from parts of the counties of Otsego, Delaware and Chenango, with the seat of justice at Unadilla, were read, and referred to the committee on the erection and division of towns and counties.

The remonstrance of sundry inhabitants of the county of Delaware, against any division of the said county, was read, and referred to the committee on the erection and division of towns and counties.

Two several petitions of sundry inhabitants of the town of Burns in the county of Allegany, praying for the annexation of a part of the town of Almond to the said town of Burns, were read, and referred to the committee on the erection and division of towns and counties.

Two several remonstrances of sundry inhabitants of the city of Utica and the village of Ithaca, against increasing the tax on foreign insurance, were read, and ordered to be laid on the table.

The petition of sundry inhabitants of the county of Yates, praying for the passage of a law submitting the question of constitutional amendments to the people, was read, and referred to the select committee on that subject.

Four several petitions of sundry inhabitants of the counties of Erie, Jefferson and Greene, praying for the repeal of the law passed at the last session of the Legislature, increasing the fees of lawyers, were read, and referred to the select committee on that subject.

Fifteen several petitions of sundry inhabitants of the counties of Albany and Schoharie, praying for an alteration of the existing laws in

relation to landlord and tenant, were read, and referred to the select committee on that subject.

Eight several petitions of sundry inhabitants of the counties of New-York, Oswego, Niagara, Greene, Chemung and Cayuga, praying for a change in the license law, were read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry ladies of the county of Herkimer, praying for the passage of a penal law to suppress licentiousness, was read, and referred to the committee of the whole when on the bill upon that subject.

The petition of one hundred and seventy inhabitants of the county of Broome, praying for a change in the route of the New-York and Erie railroad, was read, and referred to the committee of the whole when on the bill upon that subject.

Three several petitions of the trustees of Phipps Union Seminary, Albion Academy and Waterloo Academy, praying for the more equal distribution of the Literature Fund, were read, and referred to the committee of the whole when on the bill upon that subject.

Mr. Moulton, from the committee on roads and bridges, to which was referred the engrossed bill from the Senate, entitled "An act to incorporate the Delaware Turnpike Company," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Tefft, from the committee on claims, to which was referred the petition of Joseph Demont, Orrin Tyler and Edward Mynderse, for relief, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Tefft accordingly brought in the said bill, entitled "An act for the relief of Orrin Tyler and others," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Tefft, from the committee on claims, to which was referred the petition of Terry B. Green and wife, and also the petition of Peter Quick, severally praying for relief, reported unfavorably to the prayer of the petitioners, and offered the following resolution, to wit :

*Resolved*, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

The annual report of the New-York Dry Dock Company was received, read, and ordered to be printed and laid on the table.

Mr. Carpenter, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to amend an act entitled 'An act to incorporate the Washington Volunteer Fire Company in the village of Troy,'" and found the same correctly engrossed.

*Ordered*, That the said bill do have its third reading.

The engrossed bill entitled "An act to amend the act passed May 6th, 1837, and entitled 'An act to amend the act incorporating the village of Geneva,'" was read the third time.



Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 93 }  
{ NAYS 00 }

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Fenn         | Mr. Newkirk         |
| Mr. Bagg         | Mr. Field        | Mr. Niven           |
| Mr. Betts        | Mr. Fonda        | Mr. Pierce          |
| Mr. Billings     | Mr. Frisbee      | Mr. Porter          |
| Mr. Blake        | Mr. D. Gould     | Mr. Preston         |
| Mr. Bloss        | Mr. G. Gould     | Mr. Raymond         |
| Mr. Boughton     | Mr. Gregory      | Mr. Rogers          |
| Mr. Bowen        | Mr. Hammond      | Mr. Russell         |
| Mr. J. Brooks    | Mr. Harden       | Mr. Sager           |
| Mr. M. Brooks    | Mr. Harris       | Mr. Salisbury       |
| Mr. L. H. Brown  | Mr. Hazelton     | Mr. Sherman         |
| Mr. A. H. Buel   | Mr. Heermans     | Mr. Skelton         |
| Mr. T. Buel      | Mr. Hervey       | Mr. A. C. Smith     |
| Mr. Bunker       | Mr. Horton       | Mr. W. Smith        |
| Mr. Burdick      | Mr. Howard       | Mr. Speaker         |
| Mr. Bush         | Mr. Huntington   | Mr. J. Stevenson    |
| Mr. Cameron      | Mr. Jarvis       | Mr. Sweeney         |
| Mr. Carpenter    | Mr. Johnson      | Mr. Tefft           |
| Mr. Casner       | Mr. Kinne        | Mr. Thayer          |
| Mr. Chase        | Mr. Knapp        | Mr. Thompson        |
| Mr. Coe          | Mr. D. Lee       | Mr. Tuthill         |
| Mr. Collins      | Mr. Litchfield   | Mr. Van Schoonhoven |
| Mr. Crain        | Mr. Long         | Mr. Van Valkenburgh |
| Mr. C. F. Crosby | Mr. M'Key        | Mr. Wells           |
| Mr. Culver       | Mr. M'Vean       | Mr. Wheeler         |
| Mr. Dayton       | Mr. Mann         | Mr. White           |
| Mr. De Puy       | Mr. C. B. Miller | Mr. Wilcox          |
| Mr. Dewey        | Mr. S. Miller    | Mr. Worden          |
| Mr. Dickson      | Mr. Morris       | Mr. Wyckoff         |
| Mr. Edwards      | Mr. Morrison     | Mr. A. W. Young     |
| Mr. Fellows      | Mr. Moulton      | Mr. J. Young        |

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*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to amend an act entitled 'An act to incorporate the Washington Volunteer Fire Company in the village of Troy,'" was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :



{ AYES 96 }  
 { NAYS 00 }

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Field        | Mr. Niven           |
| Mr. Bagg         | Mr. Fonda        | Mr. Pierce          |
| Mr. Betts        | Mr. Frisbee      | Mr. Porter          |
| Mr. Billings     | Mr. Giffard      | Mr. Raymond         |
| Mr. Blake        | Mr. D. Gould     | Mr. Rogers          |
| Mr. Bloss        | Mr. G. Goold     | Mr. Russell         |
| Mr. Boughton     | Mr. Gregory      | Mr. Sager           |
| Mr. Bowen        | Mr. Hammond      | Mr. Salisbury       |
| Mr. J. Brooks    | Mr. Harden       | Mr. Searing         |
| Mr. M. Brooks    | Mr. Harris       | Mr. Sherman         |
| Mr. Brower       | Mr. Hazelton     | Mr. Skelton         |
| Mr. L. H. Brown  | Mr. Heermans     | Mr. A. C. Smith     |
| Mr. A. H. Buel   | Mr. Hervey       | Mr. W. Smith        |
| Mr. T. Buel      | Mr. Horton       | Mr. Speaker         |
| Mr. Bunker       | Mr. Howard       | Mr. J. Stevenson    |
| Mr. Burdick      | Mr. Huntington   | Mr. Sweeney         |
| Mr. Bush         | Mr. Jarvis       | Mr. Tefft           |
| Mr. Cameron      | Mr. Johnson      | Mr. Thayer          |
| Mr. Carpenter    | Mr. Kinne        | Mr. Thompson        |
| Mr. Casner       | Mr. Knapp        | Mr. Tibbits         |
| Mr. Chase        | Mr. D. Lee       | Mr. Tuthill         |
| Mr. Coe          | Mr. Litchfield   | Mr. Van Schoonhoven |
| Mr. Collins      | Mr. Long         | Mr. Van Valkenburgh |
| Mr. Crain        | Mr. M'Key        | Mr. Walrath         |
| Mr. C. F. Crosby | Mr. M'Vean       | Mr. Wells           |
| Mr. Culver       | Mr. Mann         | Mr. Wheeler         |
| Mr. Dayton       | Mr. C. B. Miller | Mr. White           |
| Mr. De Puy       | Mr. S. Miller    | Mr. Wilcox          |
| Mr. Dewey        | Mr. Morris       | Mr. Worden          |
| Mr. Dickson      | Mr. Morrison     | Mr. Wyckoff         |
| Mr. Edwards      | Mr. Moulton      | Mr. A. W. Young     |
| Mr. Fenn         | Mr. Newkirk      | Mr. J. Young        |

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*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. Niven offered for the consideration of the House a preamble and resolution, in the words following, to wit :

WHEREAS the recent Democratic National Convention at Baltimore did resolve that the re-annexation of Texas was a "great American measure, which ought to be consummated as soon as practicable ;" and the People of these United States have since elected a President known to be in favor of immediate annexation, furnishing an unanswerable argument that the great Democratic Party of the Union are in favor of the measure :

AND WHEREAS ALSO it becomes the duty of the Legislature of New-

York to assume a position in relation to the said measure of annexation, in conformity with what they believe to be the views of the People of this State, by whom they have been chosen to seats in this body :

WE DO, THEREFORE, DECLARE, that we are in favor of the re-annexation of Texas, at the earliest practicable period, for the reasons following, to wit :

*First.* Because it will extend and secure the blessings of republican institutions over a broad extent of territory, peopled by a race of men who are bone of our bone and flesh of our flesh ; who, having tasted freedom in the United States, and carved out the independence of Texas by their valor, now ask for admission into the Union, and bring with them their infant Republic as a noble offering at the shrine of Liberty, an earnest of their worth and fitness to be numbered with their brethren.

*Secondly.* Because it will secure to these United States, now and forever, the advantages we now possess, over all the nations of the world, in the production of the great American staple, Cotton ; an advantage of which the jealousy of Great Britain has vainly sought to strip us by her efforts in the Indies, and now to the same end is directing her eagle eye towards the fair fields of Texas.

*Thirdly.* Because it will open an extensive market for the agricultural products and manufactures of the Northern States, in exchange for the productions of the South, and thus strengthen and perpetuate the bonds of our union.

*Fourthly.* Because it will provide a better southern frontier in case of war, and amply protect our commerce on the Gulf of Mexico, through which the products of the Valley of the Mississippi must forever find their outlet.

*Fifthly.* Because thereby slavery, so repugnant to the people of the North, with all its concomitant evils, will be lessened, and an outlet be formed, by which, according to the inevitable "laws of population," slavery must become extinct at no distant day, because the laws of the Union will forever put an end to the foreign slave trade within the boundaries of Texas, and because the slaveholders of the Northern slave states will naturally seek a more profitable field of labor on the more fertile soil of Texas, and leave their former places to be filled by the enterprising and free citizens of the North.

*Sixthly.* Because under no circumstances can the admission of Texas into the Union give to the Slave States a preponderance in our national councils : Iowa is already knocking for admission into the Union as a Free State ; the vast Territory of Oregon, equal in extent to all the slaveholding States, is forever sacred to freedom. We hold that the Slave States and Free States, under the Constitution of the Union, stand upon common ground, and each have equal right to be jealous of the encroachment of the other.

Under these circumstances, we regard all objections to the annexation of Texas, on the ground of slavery, as the effusions of a whining hypocrisy, or what is worse, *political abolitionism* :

Therefore,

*Resolved*, (if the Senate concur,) That our senators in Congress be instructed, and our representatives requested, to vote for the Annexation

of Texas, and to use all proper means to prevent the loss of a great and "permanent national acquisition on account of a temporary institution."

*Ordered*, That the said preamble and resolution be referred to the select committee on the annexation of Texas to the United States.

On motion of Mr. Coe,

*Resolved*, That the papers relating to the annexation of a part of the town of Almond in the county of Allegany, be taken from the files of this house, and referred to the committee on the erection and division of towns and counties.

Mr. Coe offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, (if the Hon. the Senate concur,) That the representatives in Congress from this State be requested to use their influence in favor of the passage, through the House of Representatives, of the bill which has passed the Senate of the United States, reducing the rates of postage.

*Ordered*, That the said resolution be laid on the table.

On motion of Mr. Fenn,

*Resolved*, That the Governor be requested to furnish this House a copy of the contract with Messrs. Carroll & Cook, for the printing and binding of the Geological Survey of the State.

On motion of Mr. Fenn,

*Resolved*, That the Comptroller be, and is hereby requested to furnish this House the amounts paid for printing, binding and engraving, out of the \$58,301.74 mentioned in his report, page 43, for the continuing the publication of the Geological Survey of the State, and the amounts that have been paid to the gentlemen that have been and are engaged in the survey.

On motion of Mr. C. F. Crosby,

*Resolved*, That the Senate bill in relation to the payment of the troops called out by the difficulties in Columbia county, be referred to the committee of the whole having in charge the Governor's message.

Mr. D. Lee gave notice that he would, at an early day, ask leave to introduce a bill to amend the act relating to the census or enumeration of the inhabitants of the State.

The House then again resolved itself into a committee of the whole, on the annual message from the Governor, and on the engrossed bill from the Senate, entitled "An act to pay the militia called into service in December 1844, and January 1845, and for other purposes ;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Horton, from the said committee, reported progress on the message of the Governor, and asked for and obtained leave to sit again.

Mr. Horton, from the same committee, reported progress on the engrossed bill from the Senate, entitled "An act to pay the militia called into service in December 1844, and January 1845, and for other purposes," and asked for and obtained leave to sit again.

The report of the Canal Board, on the petition of Barnes & Hinman, was received and read.

[See Document No. 73.]

*Ordered*, That the said report be referred to the committee on claims.



By unanimous consent,

Mr. Russell moved that the engrossed bill from the Senate, entitled "An act to pay the militia called into service in December 1844, and January 1845, and for other purposes," be printed.

Mr. Speaker put the question whether the House would agree to the said motion, and it was determined in the affirmative.

*Ordered*, That Mr. Field have leave of absence for ten days, and Mr. De Puy for seven days.

On motion of Mr. Betts,

The House then adjourned to eleven o'clock to-morrow morning.

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## THURSDAY, FEBRUARY 13, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Huntington.

The minutes of yesterday were read and approved.

The petition of sundry inhabitants of the county of Westchester, praying for the passage of a law making all the common schools free, and to be supported by the School Fund and a tax on property, was read, and referred to the committee on colleges, academies and common schools.

The petition of James Hamilton and another of the city of New-York, praying for an amendment of the general law relating to manufacturing purposes, was read, and referred to the committee on trade and manufactures.

The petition of sundry inhabitants of the county of Columbia, praying to be relieved from the further maintenance of a bridge across the Rœliff Jansen's kill, was read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the county of Otsego, praying for the incorporation of a company to construct a turnpike road from the village of Unadilla in said county, to the village of Norwich in the county of Chenango, was read, and referred to the committee on roads and bridges.

Two several remonstrances of sundry inhabitants of the county of Chautauque, against the continuation of a toll-bridge over the Eighteen-mile creek in said county, were read, and referred to the committee on roads and bridges.

The petition of B. B. Higgins of the county of Suffolk, praying for a change of the law respecting insurance companies, was read, and referred to the committee on banks and insurance companies.

The petition of sundry inhabitants of the county of Saratoga, praying for the passage of a law compelling all incorporated banks to redeem their bills at par in the city of Albany or New-York, was read, and referred to the committee on banks and insurance companies.



Three several petitions of sundry inhabitants of the counties of Otsego and Chenango, praying for the incorporation of a company to construct a turnpike road from the village of Norwich to the village of Unadilla, were read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the county of Steuben, praying that aid may be granted for the construction of the New-York and Erie railroad, was read, and referred to the committee on railroads.

The petition of sundry inhabitants of the county of Onondaga, praying for an appropriation to open a road through the Onondaga Indian reservation, was read, and referred to the committee on indian affairs.

The petition of sundry inhabitants of the county of Cattaraugus, praying for the passage of a law declaring the taking of timber from wild lands to be a larceny, was read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the county of Sullivan, praying for the passage of a law requiring supervisors to draw their pay on the certificate of the clerk of their respective boards of supervisors, was read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the county of Dutchess, praying for a reduction of the rate of interest to six per centum, was read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the county of Sullivan, praying for the passage of a law requiring all deeds and other conveyances of real estate to be recorded in the town clerk's office where such real estate is situated, was read, and referred to the committee on the judiciary.

Six several petitions of sundry inhabitants of the counties of Otsego, Delaware and Chenango, praying for the erection of a new county from parts of said counties, with the seat of justice at Unadilla, were read, and referred to the committee on the erection and division of towns and counties.

Five several remonstrances of sundry inhabitants of the counties of Chenango, Otsego and Delaware, against the erection of a new county from parts of said counties, were read, and referred to the committee on the erection and division of towns and counties.

The proceedings of a special town meeting of the inhabitants of the town of Coventry in the county of Chenango, against being included in the proposed new county from parts of the counties of Broome, Delaware, Otsego and Chenango, were read, and referred to the committee on the erection and division of towns and counties.

The remonstrance of sundry inhabitants of the town of Almond in the county of Allegany, against the annexation of any part of said town to the town of Burns, was read, and referred to the committee on the erection and division of towns and counties.

The petition of sundry inhabitants of the towns of Cicero, Manlius and Dewitt in the county of Onondaga, praying for the annexation of a part of the town of Cicero to the towns of Manlius and Dewitt, was read, and referred to the committee on the erection and division of towns and counties.

Four several remonstrances of sundry inhabitants of the counties of

Livingston and Steuben, against connecting the Dansville slip and basin with the canal, were read, and referred to the committee on canals.

Two several petitions of sundry inhabitants of the county of Steuben, praying for an appropriation for repairs on the Crooked Lake Canal, were read, and referred to the committee on canals.

The petition of sundry inhabitants of the county of Herkimer, praying for a repeal of the law authorising the Utica and Schenectady Railroad Company to carry freight, was read, and referred to the committee on canals.

The petition of sundry inhabitants of the county of Lewis, praying for the completion of the Black River Canal, was read, and referred to the committee on canals.

The petition of Homer Caswell, asking pay for work done under a contract for the construction of Steele's aqueduct, was read, and referred to the committee on canals.

Eight several petitions of sundry inhabitants of the counties of New-York, Montgomery, Queens, Rensselaer, Otsego, Westchester and Ontario, praying that the question of license or no license may be submitted to the people, were read, and referred to the committee of the whole when on the bill upon that subject.

Five several petitions of sundry inhabitants of the counties of Delaware and Allegany, praying for the passage of a law allowing the New-York and Erie Railroad Company to extend their road into the State of Pennsylvania, were read, and referred to the committee of the whole when on the bill upon that subject.

Two several remonstrances of sundry inhabitants of the counties of Broome and Sullivan, against allowing the New-York and Erie Railroad Company to locate their road out of the State, were read, and referred to the committee of the whole when on the bill upon that subject.

Six several remonstrances of sundry inhabitants of the counties of Albany, Kings and Rensselaer, against the incorporation of the American and Foreign Bible Society, were read, and referred to the committee of the whole when on the bill upon that subject.

Three several petitions of the trustees of the Rensselaer Oswego Academy, and of the trustees of the Perry Centre Institute, praying for a more equal distribution of the Literature Fund, were read, and referred to the committee of the whole when on the bill upon that subject.

Seventeen several petitions of sundry inhabitants of the counties of Albany, Schoharie and Greene, praying for relief between landlord and tenant, were read, and referred to the select committee on that subject.

The petition of sundry inhabitants of the town of Peru in the county of Clinton, praying for the repeal of the law passed 1844, to increase lawyers' fees, and to equalize the former fee bill, was read, and referred to a select committee.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the petition of the board of supervisors of the county of Schenectady, relative to the superintendents of the poor in said county, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Chase accordingly brought in the said bill,

entitled "An act relative to the superintendents of the poor in the county of Schenectady;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Coe, from the committee on canals, to which was referred the petition of sundry inhabitants of the town of Glen in the county of Montgomery, relative to the appropriation of an abandoned towing path, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Coe accordingly brought in the said bill, entitled "An act to authorise the appropriation of a portion of the towing path of the abandoned canal in the town of Glen in the county of Montgomery, to the purposes of a public highway;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Carpenter, from the committee on grievances, to which was referred the petition of James Dana and others, for relief, reported in writing, and asked leave to bring in a bill.

[See Document No. 77.]

Leave being granted, Mr. Carpenter accordingly brought in the said bill, entitled "An act to authorise the supervisors of the county of Schoharie to levy a tax upon the town of Carlisle, for the relief of James Dana, William Youngs and David A. Richtmeyer;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Carpenter, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to incorporate a fire company at Glenheim in Fishkill in the county of Dutchess," and found the same correctly engrossed.

*Ordered*, That the said bill do have its third reading.

Mr. Harden, from the committee on colleges, academies and common schools, to which was referred the petition relative to the common school fund in the town of Edmeston, Otsego county, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Harden accordingly brought in the said bill, entitled "An act to amend an act relative to the common school fund in the town of Edmeston, county of Otsego, passed February 26, 1828;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Bloss, from the committee on charitable and religious societies, to which was referred the petition of the German Benevolent Society of the city of Utica, for an act of incorporation, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Bloss accordingly brought in the said bill, entitled "An act to incorporate the German Benevolent Society of the city of Utica;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.



The engrossed bill entitled "An act to incorporate a fire company at Glenheim in Fishkill in the county of Dutchess," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 86 }  
{ NAYS 09 }

Those who voted in the affirmative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Bachman      | Mr. Frisbee    | Mr. Raymond         |
| Mr. Bagg         | Mr. Giffard    | Mr. Rogers          |
| Mr. Betts        | Mr. D. Gould   | Mr. Sager           |
| Mr. Bevins       | Mr. Gregory    | Mr. Salisbury       |
| Mr. Billings     | Mr. Hammond    | Mr. Searing         |
| Mr. Blake        | Mr. Harris     | Mr. Sherman         |
| Mr. Bloss        | Mr. Heermans   | Mr. Skelton         |
| Mr. Bowen        | Mr. Hervey     | Mr. A. C. Smith     |
| Mr. J. Brooks    | Mr. Horton     | Mr. W. Smith        |
| Mr. M. Brooks    | Mr. Howard     | Mr. Speaker         |
| Mr. L. H. Brown  | Mr. Huntington | Mr. Spring          |
| Mr. S. A. Brown  | Mr. Jarvis     | Mr. J. Stevenson    |
| Mr. T. Buel      | Mr. Johnson    | Mr. R. L. Stevenson |
| Mr. Bunker       | Mr. Kinne      | Mr. Sweeney         |
| Mr. Burdick      | Mr. Litchfield | Mr. Tefft           |
| Mr. Bush         | Mr. Long       | Mr. Thayer          |
| Mr. Casner       | Mr. M'Key      | Mr. Tibbits         |
| Mr. Chase        | Mr. M'Vean     | Mr. Tuthill         |
| Mr. Coe          | Mr. Mann       | Mr. Van Schoonhoven |
| Mr. Collins      | Mr. S. Miller  | Mr. Van Valkenburgh |
| Mr. Constant     | Mr. Morris     | Mr. Walrath         |
| Mr. C. F. Crosby | Mr. Morrison   | Mr. Wells           |
| Mr. Culver       | Mr. Moulton    | Mr. Wheeler         |
| Mr. Danforth     | Mr. Newkirk    | Mr. White           |
| Mr. Dickson      | Mr. Niven      | Mr. Wilcox          |
| Mr. Edwards      | Mr. Oakley     | Mr. Worden          |
| Mr. Fellows      | Mr. Pierce     | Mr. Wyckoff         |
| Mr. Fenn         | Mr. Porter     | Mr. A. W. Young     |
| Mr. Fonda        | Mr. Preston    |                     |

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Those who voted in the negative are

|               |              |                  |
|---------------|--------------|------------------|
| Mr. Carpenter | Mr. Harden   | Mr. Mather       |
| Mr. Crain     | Mr. Hazelton | Mr. C. B. Miller |
| Mr. G. Gould  | Mr. Knapp    | Mr. Thompson     |

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*Ordered,* That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.



Mr. Morrison offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the committee on railroads be instructed to inquire whether private letter carriers, or persons suspected of being such carriers, have for that cause been excluded from the cars of any railroad company incorporated in this State ; and whether such exclusion has been directed in pursuance of any contract made to that effect with the Post-office Department, for the transportation of the mails ; with power to send for persons and papers, with leave to report by bill or otherwise.

*Ordered*, That the said resolution be laid on the table.

The House then proceeded to the consideration of the resolution offered yesterday by Mr. Coe, in the words following, to wit :

*Resolved*, (if the Hon. the Senate concur,) That the representatives in Congress from this State be requested to use their influence in favor of the passage, through the House of Representatives, of the bill which has passed the Senate of the United States, reducing the rates of postage.

Mr. Coe amended the said resolution, by adding thereto the words "and that the Governor of this State be requested to transmit a copy of the foregoing resolution to each of the representatives in Congress from this State."

Mr. Speaker put the question whether the House would agree to the said resolution, as amended, and it was determined in the affirmative.

*Ordered*, That the Clerk deliver the said resolution to the Senate, and request their concurrence in the same.

Mr. Niven moved that the House do now proceed to the consideration of the report and resolution of the committee on privileges and elections, on the petition of sundry inhabitants of the city of New-York, praying for the passage of an act to prevent naturalized citizens from voting, until after one year's residence in the State and six months in the county after naturalization.

Mr. Speaker put the question whether the House would proceed to the consideration of the said report and resolution, and it was determined in the affirmative.

The said resolution was then read, in the words following, to wit :

*Resolved*, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

In pursuance of previous notice, Mr. Niven asked for and obtained leave to bring in a bill, entitled "An act to amend the election law of 1842 ;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on privileges and elections.

Mr. Thompson gave notice that he would, at an early day, ask leave to introduce a bill more effectually to punish unlawful attempts at producing abortion.

The House then again resolved itself into a committee of the whole, on the annual message from the Governor ; on the engrossed bill from the Senate, entitled "An act to pay the militia called into service in December 1844, and January 1845, and for other purposes ;" and on the bill entitled "An act for the relief of certain purchasers of lands in

the Oneida reservation in 1840 and 1841 ;” and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Sweeney, from the said committee, reported progress on the said message and bills, and asked for and obtained leave to sit again.

On motion of Mr. Dayton,

*Ordered*, That Mr. Brower have leave of absence for ten days.

A message from the Senate, delivered by Mr. Lester, was received and read, informing that Mr. Lester and Mr. Bartlett had been appointed a committee on the part of the Senate, to announce to the Assembly the election of the Hon. Abraham Bockee as President *pro tempore* of the Senate.

Three several resolutions were received from the Senate, for concurrence, in the words following, to wit :

*Resolved*, (if the Assembly concur,) That in the opinion of this Legislature, low rates of postage will aid the business of the country, and conduce to the intellectual advancement and to the comforts and happiness of the people : That the bill now before Congress, and which has passed the Senate, will try the experiment of the effect of cheap rates of postage upon the revenues of the General Post-office Department, and that the present is a favorable opportunity to try said experiment :

Therefore, further,

*Resolved*, (if the Assembly concur,) That our senators in Congress be instructed, and our representatives be requested, to use their best exertions for the passage of the bill which has recently passed the Senate of the United States, reducing the rates of postage.

*Resolved*, (if the Assembly concur,) That the Governor be requested to transmit the foregoing resolutions to our senators and representatives in Congress.

Mr. Speaker put the question whether the House would concur with the Senate in their said resolutions, and it was determined in the affirmative.

*Ordered*, That the Clerk return the said resolutions to the Senate, and inform them that the Assembly have concurred in the same without amendment.

A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
Albany, February 13, 1845. }

TO THE ASSEMBLY.

In compliance with the resolution of the Honorable the Assembly of the twelfth instant, requesting me to furnish that House with “ a copy of the contract with Messrs. Carroll & Cook, for the printing and binding of the Geological Survey of the State,” I have the honor to transmit a copy of a contract, which I find was deposited in the office of the Comptroller, by the late Governor, and which I suppose to be the contract, a copy of which is called for by the resolution.

SILAS WRIGHT.

ARTICLES OF AGREEMENT, made this twenty-fourth day of April 1843, between the People of the State of New-York, by William C. Bouck, Governor, pursuant to an act entitled "An act in relation to the Natural History of New-York," passed April 8th, 1843, of the first part, and Thomas B. Carroll and Alanson Cook, Printers to the Assembly, of the second part, Witnesseth, that the said parties of the second part hereby covenant and engage to publish and print all that which remains to be done to complete all the volumes of the Natural History of the State of New-York, and also to bind the said volumes. The said printing and binding is in all respects to be as well executed, and of as good paper, as the first volumes of said History already printed.

The said parties of the second part are to receive from the Treasury, for said printing and binding, the following prices, to wit :  
 For the composition of every one thousand ems, forty-five cents ;  
 For every ream of paper necessarily used, at the rate of five dollars per ream ;

For the presswork, at the rate of one dollar for every white token ;  
 For pressing the sheets, at the rate of fifty cents for every ream ;  
 For folding, at the rate of forty cents for every ream ;  
 For binding, at the rate of sixty-five cents per volume.

The foregoing prices are to include the expense of furnishing all the materials, labelling the volumes, in pressing on the outer side of the covers the appropriate illustrations, and the performance of every kind of labor and every necessary expense to a perfect completion of the said printing and binding in all respects ; excepting, however, that if there should be any *rule work*, as it is technically called, that is, columns of matter that require to be justified, an additional allowance of twenty cents for every one thousand ems of such work is to be paid.

The said volumes are to be of the same size as those now printed ; and every part of the work comprised in this contract shall be done in such manner and at such time as shall be required by, and approved of by, the person administering the Government of this State ; on whose certificate, the Treasurer will be required to pay, out of any monies in the Treasury not otherwise appropriated, the sum to which the said parties of the second part shall be entitled under this contract, and as fast as each volume shall be completed, approved of by the Governor, and deposited in the office of the Secretary of State.

In witness whereof, the parties have hereunto subscribed their names, the day and year first above written.

WILLIAM C. BOUCK,  
 THOMAS B. CARROLL,  
 ALANSON COOK.

*Ordered*, That the said contract be printed, and laid on the table.

[See Document No. 78.]

On motion of Mr. Van Valkenburgh,  
 The House then adjourned to eleven o'clock to-morrow morning.



## FRIDAY, FEBRUARY 14, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Kennedy.

The minutes of yesterday were read and approved.

The petition of sundry inhabitants of the county of Yates, praying for the passage of certain resolutions in favor of submitting all national difficulties to a court of reference, was read, and referred to the committee on the judiciary.

The petition of Maria Tibbets and others of the city of New-York, praying for the passage of a law giving to married women the right to hold and convey property independent of their husbands, was read, and referred to the committee on the judiciary.

The remonstrance of sundry inhabitants of the city of Albany, against the passage of the bill in relation to justices in said city, was read, and referred to the committee on the judiciary.

The petition of Silas K. Everett and others of the city of New-York, praying for the incorporation of the Security Mutual Insurance Company, was read, and referred to the committee on banks and insurance companies.

The petition of sundry inhabitants of the county of Otsego, praying for the passage of a law compelling the banks of this State to make par redemptions in the city of New-York, was read, and referred to the committee on banks and insurance companies.

The petition of the members and society of the First Congregational Church in the county of Cayuga, praying for authority to appoint six additional trustees, was read, and referred to the committee on charitable and religious societies.

The petition of the trustees of the village of Madison in the county of Madison, praying for an alteration of the charter of said village, was read, and referred to the committee on the incorporation of cities and villages.

The petition of sundry inhabitants of the county of Oneida, praying for the repeal of the law authorising railroad companies to carry freight, was read, and referred to the committee on railroads.

Two several petitions of sundry inhabitants of the county of Wyoming, praying for the construction of a railroad from the village of Attica in said county, to the village of Hornellsville in the county of Steuben, were read, and referred to the committee on railroads.

The petition of sundry inhabitants of the county of Chenango, praying for the erection of a new county from parts of the counties of Otsego, Chenango, Delaware and Broome, to be called Wright, with the seat of justice at Bainbridge, was read, and referred to the committee on the erection and division of towns and counties.

Four several remonstrances of sundry inhabitants of the counties of Otsego, Delaware and Chenango, against any division of said counties,



were read, and referred to the committee on the erection and division of towns and counties.

The petition of sundry inhabitants of the county of Livingston, praying for the organization of three towns out of the town of Sparta in said county, was read, and referred to the committee on the erection and division of towns and counties.

Four several petitions of sundry inhabitants of the county of Steuben, praying for the repair of the Crooked Lake Canal, were read, and referred to the committee on canals.

The petition of sundry inhabitants of the county of Lewis, praying for the completion of the Black River Canal, was read, and referred to the committee on canals.

The petition of F. B. Coss of the county of Montgomery, praying compensation for work done on the Erie canal enlargement after the suspension in 1842, was read, and referred to the committee on canals.

The petition of sundry inhabitants of the county of Montgomery, praying for the passage of a law to close the locks on the canals of this State on the Sabbath, was read, and referred to the committee on canals.

The petition of sundry inhabitants of the town of Yorkshire in the county of Cattaraugus, praying for the resumption of the public works on the Genesee Valley Canal, was read, and referred to the committee on canals.

The petition of one hundred and ninety inhabitants of the county of Montgomery, praying for the repeal of the law passed at the last session, giving the right to carry freight on the railroads in this State running parallel with the Erie Canal, was read, and referred to the committee on canals.

Five several petitions of sundry inhabitants of the towns of Germanflatts and Frankfort in the county of Herkimer, praying for the repeal of the law authorising the Utica and Schenectady Railroad Company to carry freight, were read, and referred to the committee on canals.

Two several petitions of sundry inhabitants of the counties of Yates and Ontario, praying for the incorporation of the Homœopathic College of Physicians and Surgeons of Western New-York, to be located in the village of Auburn in the county of Cayuga, were read, and referred to the committee on medical societies and colleges.

The petition of sundry inhabitants of the county of Delaware, praying for the incorporation of the Middletown Academy in the village of Middletown in said county, was read, and referred to the committee on colleges, academies and common schools.

A resolution of the inhabitants of the town of Sangerfield in the county of Oneida, in relation to the office of county superintendent of common schools, was read, and referred to the committee on colleges, academies and common schools.

The petition of sundry inhabitants of the county of Ulster, praying for the passage of a law to equalize taxation, was read, and referred to the committee on ways and means.

The petition of sundry inhabitants of the village of Greenbush in the county of Rensselaer, praying for the incorporation of a fire engine company at East-Albany, was read, and referred to the committee on the internal affairs of towns and counties.

The petition of sundry inhabitants of the town of York in the county of Livingston, praying for the passage of a law declaring that the said town shall hereafter constitute but one election district, was read, and referred to the committee on the internal affairs of towns and counties.

Two several petitions of sundry inhabitants of the county of Broome, praying for an alteration of the charter of the Chenango Bridge Company, were read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the counties of Putnam and Westchester, praying for the construction of a road through the Highlands by convict labor, was read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the county of Saratoga, praying for a reduction of tolls across the Waterford bridge, was read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the county of Hamilton, praying for the construction and working of a road from the village of Morehouseville in said county, to the village of Salisbury in the county of Herkimer, was read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the counties of Putnam and Westchester, praying for the passage of an act authorising the laying out a road through the towns of Somers and Yorktown in said county of Westchester, was read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the county of Chenango, praying for the passage of resolutions against the annexation of Texas to the United States, was read, and referred to the select committee on that subject.

Sixteen several petitions of sundry inhabitants of the counties of Cayuga, Orleans, Genesee, Livingston, Monroe, Onondaga, Yates, Otsego and Chemung, praying for the passage of a law submitting the question of license to the people of the several cities and towns, were read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Wyoming, praying for the incorporation of the American and Foreign Bible Society, was read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of sundry inhabitants of the county of Jefferson, against the incorporation of the American and Foreign Bible Society, was read, and referred to the committee of the whole when on the bill upon that subject.

Two several petitions of sundry inhabitants of the counties of Madison and Oneida, praying for the passage of a law to suppress licentiousness, were read, and referred to the committee of the whole when on the bill upon that subject.

Three several petitions of sundry inhabitants of the counties of Allegany and Cattaraugus, praying for the passage of a law allowing the New-York and Erie Railroad Company to construct a portion of their road in the State of Pennsylvania, were read, and referred to the committee of the whole when on the bill upon that subject.

Two several remonstrances of sundry inhabitants of the counties of Otsego and Chenango, against allowing the New-York and Erie Railroad Company to locate any portion of their road in Pennsylvania, were read, and referred to the committee of the whole when on the bill upon that subject.

Three several petitions of the trustees of the Millville, Westfield and Gilbertsville Academies, praying for a more equal distribution of the Literature Fund, were read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Allegany, praying for the release of the State line upon the New-York and Erie railroad, was read, and referred to the committee on railroads.

Ten several petitions of sundry inhabitants of the counties of Montgomery, Columbia and Schoharie, praying for an alteration of the law respecting landlord and tenant, were read, and referred to the select committee on that subject.

Mr. Blake, from the select committee consisting of the members attending this house from the city and county of New-York, to which was referred the petition of sundry citizens of the city of New-York, in relation to the quarantine laws of the port of New-York, reported the following resolution, to wit :

*Resolved*, That the select committee to which was referred the petition relative to the quarantine laws of the port of New-York, be discharged from the further consideration thereof, and that the same be referred to the committee on the judiciary.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

The report of the Comptroller, on the resolution of the Assembly of the fifth February 1845, relative to the sum of eighty-four thousand dollars received from the Treasury of the United States, was received and read.

[See Document No. 75.]

*Ordered*, That the said report be laid on the table.

The annual report of the Bowery Savings Bank of the city of New-York, was received, read, and ordered to be printed and laid on the table.

Mr. J. Young gave notice that he would, on some future day, ask leave to introduce a bill to provide for the publication of the laws of this State in the several counties.

On motion of Mr. J. Young,

*Resolved*, That the Comptroller be requested to transmit to this House a statement, showing the amount of outstanding notes issued by the several banks of this State respectively, which have not been registered under the act entitled "An act to abolish the office of bank commissioner, and for other purposes," passed April 18th, 1843; and that he be requested to state whether, in his opinion, the interests of the public would be promoted by authorising the issue of registered notes, in the place of the whole or any part of such outstanding notes.

Mr. Coe offered for the consideration of the House a resolution, in the words following, to wit :



*Resolved*, That the Comptroller be requested to report to this House, in a tabular form, what amount of State bonds were issued, and at what time, and drawing what rate of interest, and when redeemable, and at what premium sold, in carrying out the provisions of the act authorising the construction of the Erie and Champlain canals, and all other canals which have subsequently been constructed or commenced ; also what portion of such several bonds have been bought in by the State before maturity, at what time, and at what premium ; also that the Comptroller be requested to report the form of the bonds so issued.

*Ordered*, That the said resolution be laid on the table.

Mr. Bush offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the Commissary General be requested to furnish this House with a report of the expenses and liabilities incurred by him in the military expedition in December and January last, under the order of the Governor.

*Ordered*, That the said resolution be laid on the table.

On motion of Mr. D. Lee,

*Resolved*, That the petitions and other papers relating to the charter of the Farmers' Mutual Insurance Company of Erie county, on file in this house, be taken therefrom, and referred to the committee on banks and insurance companies.

Mr. D. Lee offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the committee to which was referred the resolutions in favor of annexing Texas to the United States, be instructed to report on such resolutions on Monday next, while the reports from select committees shall be the order of business before the house.

*Ordered*, That the said resolution be laid on the table.

On motion of Mr. Fonda,

*Resolved*, That the petition and papers relative to a claim of Sanford and Eggleston be taken from the files, and referred to the committee on canals.

Mr. A. H. Buell offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the president and secretary of each of the incorporated railroad companies within this State, make and return to this House, within ten days after receiving notice of this resolution, a statement, subscribed by said officers respectively, and verified by their oaths, showing results for the year ending first January last, in the following particulars :

1. The whole number of passengers transported, distinguishing the way passengers ;
2. The number received at each of the several stations along the line ;
3. The average time of running the whole distance, and the time of stoppages ;
4. The number of regular passenger trains per day, and, if changed during the year, stating the changes ;
5. The aggregate amount received from passengers, distinguishing the amount from way passengers ;



6. The amount earned and received for carrying the United States mail ;
7. The amount received for freight, with amount paid for tolls (if any) to the State ;
8. Amount received from all other resources ;
9. The amount paid out for all purposes, distinguishing expenses of repairs to road, repairs and purchasing of carriages and engines, amount paid for labor, amount for officers' salaries and superintendence, and amount for costs and fees in law suits, and any other items of importance ;
10. The amount of salary and compensation to each director and each officer of the company by name, other than laborers ;
11. The number of free passages granted to persons not travelling on the business of the company at the time, as near as can be ascertained.

*Ordered*, That the said resolution be laid on the table.

The House then again resolved itself into a committee of the whole, on the annual message from the Governor ; on the engrossed bill from the Senate, entitled "An act to pay the militia called into service in December 1844, and January 1845, and for other purposes ;" and on the bill entitled "An act for the relief of certain purchasers of lands in the Oneida reservation in 1840 and 1841 ;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Sweeney, from the said committee, reported progress on the said message and bills, and asked for and obtained leave to sit again.

The report of the Northern Dispensary of the city of New-York, for the year 1844, was received and read.

[See Document No. 160.]

*Ordered*, That the said report be laid on the table.

A communication was presented by the Chair, in the words following, to wit :

*Albany, February 14, 1845.*

The "Festival" given at Stanwix Hall last evening, by the Lady's Temperance Society of this city, for the *relief of the suffering poor*, will be repeated *this* evening. Appropriate music and addresses will form a part of the exercises of the evening.

The Hon. the Speaker and members of the Assembly are respectfully invited to attend.

RUBY PHELPS, *President*.

On motion of Mr. Betts,

The House then adjourned to eleven o'clock to-morrow morning.

## SATURDAY, FEBRUARY 15, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Huntington.

The minutes of yesterday were read and approved.

On motion of Mr. J. Young,

*Resolved unanimously*, That during the absence of the Hon. Horatio Seymour, Speaker of the Assembly, the Hon. William C. Crain be, and he is hereby appointed Speaker *pro tempore* of the Assembly.

*Ordered*, That Mr. Seymour have leave of absence for four days.

On motion of Mr. Niven,

*Ordered*, That the Speaker *pro tempore* appoint a committee to wait upon the Governor, and inform him that the Assembly have elected the Hon. William C. Crain Speaker *pro tempore*.

On motion of Mr. M'Carthy,

*Ordered*, That the Speaker also appoint a committee to wait upon the Senate with a like message.

Whereupon,

Mr. Speaker appointed Mr. Niven and Mr. Coe a committee to wait upon the Governor, and Mr. M'Carthy and Mr. Wheeler a committee to wait upon the Senate.

Mr. Niven, from the committee appointed to wait upon the Governor, and inform him of the election of the Hon. William C. Crain Speaker *pro tempore* of the Assembly, reported that the committee had discharged that duty.

Mr. M'Carthy, from the committee appointed to wait upon the Senate, and inform them of the election of the Hon. William C. Crain Speaker *pro tempore* of the Assembly, reported that the committee had discharged that duty.

*Ordered*, That Mr. Morris have leave of absence for ten days, Mr. Cameron for twelve days, and Mr. Danforth for seven days.

The petition of sundry inhabitants of the county of Livingston, praying for the passage of a law declaring the malicious cutting and carrying away of timber to be a larceny, was read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the town of Brownville in the county of Jefferson, praying for an alteration of the exemption law, was read, and referred to the committee on the judiciary.

Two several remonstrances of sundry inhabitants of the city of Albany, against the passage of the bill relating to the police of said city, were read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the county of Erie, praying for the incorporation of the Farmers' Mutual Insurance Company in said county, was read, and referred to the committee on banks and insurance companies.

The petition of sundry inhabitants of the villages of Waterford in the county of Saratoga, and Lansingburgh in the county of Rensselaer,

praying that the bridge across the Hudson river at the city of Troy may be removed, was read, and referred to the committee on roads and bridges.

The petition of five hundred and sixty inhabitants of the county of Erie, praying for the passage of an act for the construction of a plank road from the city of Buffalo to the village of Lancaster in said county, was read, and referred to the committee on roads and bridges.

The remonstrance of sundry inhabitants of the town of Preble in the county of Cortland, against the passage of the law for the construction of a turnpike road from the village of Syracuse in the county of Onondaga, to the village of Homer in the said county of Cortland, was read, and referred to the committee on roads and bridges.

The petition of John Bump, praying for relief on account of the loss of property in the service of the superintendent of repairs on the Chemung Canal, was read, and referred to the committee on grievances.

Three several petitions of sundry inhabitants of the counties of Delaware, Chenango and Otsego, praying for the erection of a new county from parts of the counties of Otsego, Delaware, Chenango and Broome, to be called Wright, with the seat of justice at Bainbridge, were read, and referred to the committee on the erection and division of towns and counties.

The petition of sundry inhabitants of the county of Delaware, praying for the erection of a new county from parts of the counties of Otsego, Chenango and Delaware, with the seat of justice at Unadilla, was read, and referred to the committee on the erection and division of towns and counties.

The remonstrance of sundry inhabitants of the county of Delaware, against any division of said county, was read, and referred to the committee on the erection and division of towns and counties.

Two several petitions of sundry inhabitants of the counties of Allegany and Steuben, praying for the abolition of the office of county superintendent of common schools, were read, and referred to the committee on colleges, academies and common schools.

The petition of the New-York Institution for the Blind, praying for pecuniary relief, was read, and referred to the committee on charitable and religious societies.

The petition of sundry inhabitants of the city of Troy, praying for the incorporation of the Shamrock Benevolent Association, was read, and referred to the committee on charitable and religious societies.

Two several petitions of sundry inhabitants of the county of Livingston, praying for the reduction of railroad fare and transportation, were read, and referred to the committee on railroads.

The petition of sundry inhabitants of the city of New-York, praying for the construction of a railroad from the said city to the city of New-Haven in the State of Connecticut, was read, and referred to the committee on railroads.

The petition of sundry inhabitants of the city of Buffalo, praying for the incorporation of a company to construct a railroad from the village of Attica in the county of Wyoming, to the village of Hornellsville in the county of Steuben, was read, and referred to the committee on railroads.



The resolution of the common council of the city of Buffalo, in favor of the passage of a law authorising the consolidating and funding the debt of that city, was read, and referred to the committee on the incorporation of cities and villages.

The petition of sundry inhabitants of the county of Seneca, praying for the incorporation of the Homœopathic Medical Society and College of Western New-York, to be located in the village of Auburn in the county of Cayuga, was read, and referred to the committee on medical societies and colleges.

Three several petitions and resolutions of the annual town meeting of the town of Urbana in the county of Steuben, praying for an appropriation for repairs on the Crooked Lake Canal, were read, and referred to the committee on canals.

Three several petitions of sundry inhabitants of the county of Lewis, praying for the completion of the Black River Canal, were read, and referred to the committee on canals.

The remonstrance of sundry inhabitants of the county of Jefferson, against discriminating duties on the Erie canal, confining business to the route via Buffalo, was read, and referred to the committee on canals.

Mr. Bloss moved that the said petition be printed.

Mr. Speaker put the question whether the House would agree to the said motion, and it was determined in the affirmative.

[See Document No. 81.]

The petition of sundry inhabitants of the county of Monroe, praying for the completion of the Erie canal enlargement, was read, and referred to the committee on canals.

The petition of sundry inhabitants of the county of Westchester, praying for the passage of a law submitting the question of license to the people of the several cities and towns, was read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of the superintendents of the poor of the county of Madison, against restoring the distinction between the town and county poor in that county, was read, and referred to the committee of the whole when on the bill upon that subject.

Two several petitions of sundry inhabitants of the county of Allegany, praying that the New-York and Erie Railroad Company may be permitted to locate a certain portion of their road in the State of Pennsylvania, were read, and referred to the committee of the whole when on the bill upon that subject.

Six several remonstrances of sundry inhabitants of the counties of Chenango, Broome and Sullivan, against locating any portion of the New-York and Erie railroad in the State of Pennsylvania, were read, and referred to the committee of the whole when on the bill upon that subject.

Four several petitions of sundry inhabitants of the counties of Otsego, Oneida and Livingston, praying for the incorporation of the American and Foreign Bible Society, were read, and referred to the committee of the whole when on the bill upon that subject.



The petition of sundry inhabitants of the county of Chemung, praying for the repeal of the law passed last session, respecting fees and costs in courts of record, was read, and referred to a select committee.

The petition of sundry inhabitants of the county of Monroe, praying for an extension of the elective franchise to colored persons, was read, and referred to the select committee on constitutional amendments.

Twelve several petitions of sundry inhabitants of the counties of Albany, Columbia and Montgomery, praying for an alteration of the law respecting landlord and tenant, were read, and referred to the select committee on that subject.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the petition of sundry inhabitants of the village of Fairport in the county of Chemung, praying for the passage of an act to restore to said village its original name of Horseheads, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Chase accordingly brought in the said bill, entitled "An act to change the name of the village of Fairport, to that of Horseheads;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Tuthill, from the committee on roads and bridges, to which was referred the petition of sundry inhabitants of the town of Livingston in the county of Columbia, praying to be relieved from the further maintenance of a bridge across the Rœliff Jansen's kill, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Tuthill accordingly brought in the said bill, entitled "An act to amend the act entitled 'An act relative to bridges across the creek commonly called Rœliff Jansen's kill, in the county of Columbia;'" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Tefft, from the committee on claims, to which was referred the petition of Aaron Barnes and John E. Hinman, for relief, reported in writing, and asked leave to bring in a bill.

[See Document No. 79.]

Leave being granted, Mr. Tefft accordingly brought in the said bill, entitled "An act for the relief of Aaron Barnes and John E. Hinman;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Hervey, from the committee on charitable and religious societies, to which was referred the petition of the First Congregational Church and Society of the town of Moravia in the county of Cayuga, praying for the appointment of six additional trustees, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Hervey accordingly brought in the said bill, entitled "An act increasing the number of trustees in the First Congregational Church and Society in Moravia, New-York;" which was

read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. L. H. Brown, from the committee on colleges, academies and common schools, to which was referred the bill entitled "An act to compensate district school librarians," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. A. H. Buell, from the committee on banks and insurance companies, to which was referred the petition of B. B. Wiggins, praying for the passage of a general insurance law, reported unfavorably to the prayer of the petitioner, and offered the following resolution, to wit :

*Resolved*, That the prayer of the petitioner ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

A statement of the Howard Insurance Company of New-York, in conformity with a resolution of the Assembly of February 8th, 1845, was received and read.

[*See Document No. 112.*]

*Ordered*, That the said report be laid on the table.

A statement of the Long Island Insurance Company of New-York, in conformity with a resolution of the Assembly of February 8th, 1845, was received and read.

[*See Document No. 144.*]

*Ordered*, That the said report be laid on the table.

A statement of the Trust Fire Insurance Company of the city of New-York, in conformity with a resolution of the Assembly of February 8th, 1845, was received and read.

[*See Document No. 114* ]

*Ordered*, That the said report be laid on the table.

On motion of Mr. Coe,

The House then proceeded to the consideration of the resolution offered by him yesterday, in the words following, to wit :

*Resolved*, That the Comptroller be requested to report to this House, in a tabular form, what amount of State bonds were issued, and at what time, and drawing what rate of interest, and when redeemable, and at what premium sold, in carrying out the provisions of the act authorising the construction of the Erie and Champlain canals, and all other canals which have subsequently been constructed or commenced ; also what portion of such several bonds have been bought in by the State before maturity, at what time, and at what premium ; also that the Comptroller be requested to report the form of the bonds so issued.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

The House then proceeded to the consideration of the resolution offered yesterday by Mr. D. Lee, in the words following, to wit :

*Resolved*, That the committee to which was referred the resolutions in favor of annexing Texas to the United States, be instructed to report on such resolutions on Monday next, while the reports from select committees shall be the order of business before the house.

Mr. Bailey moved to lay the said resolution on the table.

Mr. Speaker put the question whether the House would agree to the said motion, and it was determined in the negative.

{ AYES 45 }  
{ NAYS 48 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bagg        | Mr. Fellows      | Mr. Newkirk         |
| Mr. Bailey      | Mr. Fonda        | Mr. Pierce          |
| Mr. Bevens      | Mr. D. Gould     | Mr. Porter          |
| Mr. Billings    | Mr. Gregory      | Mr. Rogers          |
| Mr. J. Brooks   | Mr. Hall         | Mr. Sager           |
| Mr. L. H. Brown | Mr. Harden       | Mr. Searing         |
| Mr. A. H. Buell | Mr. Hazelton     | Mr. Sears           |
| Mr. Bunker      | Mr. Hervey       | Mr. A. C. Smith     |
| Mr. Burdick     | Mr. Howard       | Mr. W. Smith        |
| Mr. Carpenter   | Mr. Kinne        | Mr. Tefft           |
| Mr. Chase       | Mr. Knapp        | Mr. Thayer          |
| Mr. Constant    | Mr. M'Carthy     | Mr. Titus           |
| Mr. Crain       | Mr. M'Key        | Mr. Tuthill         |
| Mr. Dayton      | Mr. C. B. Miller | Mr. Van Valkenburgh |
| Mr. Dickson     | Mr. S. Miller    | Mr. Walrath 45      |

Those who voted in the negative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Barber       | Mr. Hammond    | Mr. Sherman         |
| Mr. Betts        | Mr. Harris     | Mr. Spring          |
| Mr. Blake        | Mr. Heermans   | Mr. J. Stevenson    |
| Mr. Bloss        | Mr. Horton     | Mr. R. L. Stevenson |
| Mr. Bowen        | Mr. Huntington | Mr. Sweeney         |
| Mr. S. A. Brown  | Mr. Jarvis     | Mr. Thompson        |
| Mr. T. Buel      | Mr. Johnson    | Mr. Tibbits         |
| Mr. Bush         | Mr. D. Lee     | Mr. Van Schoonhoven |
| Mr. Casner       | Mr. Long       | Mr. Wells           |
| Mr. Coe          | Mr. M'Vean     | Mr. Wheeler         |
| Mr. Collins      | Mr. Mann       | Mr. White           |
| Mr. C. F. Crosby | Mr. Mather     | Mr. Wilcox          |
| Mr. Culver       | Mr. Morrison   | Mr. Worden          |
| Mr. Fenn         | Mr. Niven      | Mr. Wyckoff         |
| Mr. Frisbee      | Mr. Oakley     | Mr. A. W. Young     |
| Mr. G. Gould     | Mr. Raymond    | Mr. J. Young 48     |

Mr. D. Lee moved to amend the said resolution, by striking out the word "Monday," and inserting "Tuesday."

Mr. Van Valkenburgh moved to amend the said resolution, by inserting the words "within ten days," in place of the words "on Monday next."

Mr. M'Key moved to lay the said amendments on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. M'Key, and it was determined in the affirmative.

{ AYES 50 }  
{ NAYS 45 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bagg        | Mr. Fonda        | Mr. Porter          |
| Mr. Bailey      | Mr. D. Gould     | Mr. Preston         |
| Mr. Bevins      | Mr. Gregory      | Mr. Rogers          |
| Mr. Billings    | Mr. Hall         | Mr. Sager           |
| Mr. J. Brooks   | Mr. Harden       | Mr. Searing         |
| Mr. M. Brooks   | Mr. Hazelton     | Mr. Sears           |
| Mr. L. H. Brown | Mr. Hervey       | Mr. Skelton         |
| Mr. A. H. Buel  | Mr. Howard       | Mr. A. C. Smith     |
| Mr. Bunker      | Mr. Kinne        | Mr. W. Smith        |
| Mr. Burdick     | Mr. Knapp        | Mr. R. L. Stevenson |
| Mr. Carpenter   | Mr. M'Carthy     | Mr. Tefft           |
| Mr. Chase       | Mr. M'Key        | Mr. Thayer          |
| Mr. Constant    | Mr. C. B. Miller | Mr. Titus           |
| Mr. Crain       | Mr. S. Miller    | Mr. Tuthill         |
| Mr. Dayton      | Mr. Newkirk      | Mr. Van Valkenburgh |
| Mr. Dickson     | Mr. Niven        | Mr. Walrath         |
| Mr. Fellows     | Mr. Pierce       | 50                  |

Those who voted in the negative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Barber       | Mr. G. Goold   | Mr. Sherman         |
| Mr. Betts        | Mr. Hammond    | Mr. Spring          |
| Mr. Blake        | Mr. Heermans   | Mr. J. Stevenson    |
| Mr. Bloss        | Mr. Horton     | Mr. Sweeney         |
| Mr. Bowen        | Mr. Huntington | Mr. Thompson        |
| Mr. S. A. Brown  | Mr. Jarvis     | Mr. Tibbits         |
| Mr. T. Buel      | Mr. Johnson    | Mr. Van Schoonhoven |
| Mr. Bush         | Mr. D. Lee     | Mr. Wells           |
| Mr. Casner       | Mr. Long       | Mr. Wheeler         |
| Mr. Coe          | Mr. M'Vean     | Mr. White           |
| Mr. Collins      | Mr. Mann       | Mr. Wilcox          |
| Mr. C. F. Crosby | Mr. Mather     | Mr. Worden          |
| Mr. Culver       | Mr. Morrison   | Mr. Wyckoff         |
| Mr. Fenn         | Mr. Oakley     | Mr. A. W. Young     |
| Mr. Frisbee      | Mr. Raymond    | 45                  |



Whereupon,

*Ordered*, That the said resolution and amendments be laid on the table.

Mr. D. Lee offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the committee to whom was referred the papers in relation to the annexation of Texas, be discharged from the further consideration of the subject ; and that the papers reported by them, and those in their possession, be referred to the committee of the whole, and made the special order for Monday next at twelve o'clock at noon.

*Ordered*, That the said resolution be laid on the table.

Mr. Coe offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the Canal Commissioners be requested to report to this House, in carrying out the provisions of the eighth section of the act passed May 6th, 1844, entitled "An act to provide for the preservation of certain public works, and for other purposes," what proposals were received by them for the construction or completion of the work on section 51 to 57 of the Erie Canal, both inclusive ; by whom such proposals were made, what their terms, what securities offered : If, in any case, the proposals which were apparently most favorable to the State were rejected, the reasons of such rejection, and particularly whether the securities in such cases were deemed insufficient : Also whether, in any case, the proposals first accepted by the Commissioners, failed to be consummated ; if so, the reasons of such failure : Also as to any of said sections, where contracts have been entered into, what are the terms of said contracts, and with whom made.

*Ordered*, That the said resolution be laid on the table.

On motion of Mr. Van Valkenburgh,

*Resolved*, That some member of this House be appointed to supply the place on the committee appointed to visit and examine the western branch of the Schoharie turnpike road, of an absent member of the said committee.

The House then proceeded to the consideration of the resolution offered yesterday by Mr. Bush, in the words following, to wit :

*Resolved*, That the Commissary General be requested to furnish this House with a report of the expenses and liabilities incurred by him in the military expedition in December and January last, under the order of the Governor.

Mr. M'Key moved to lay the said resolution on the table.

Mr. Speaker put the question whether the House would agree to the said motion, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the said resolution, and it was determined in the negative.

Mr. Van Schoonhoven offered for the consideration of the House a preamble and resolution, in the words following, to wit :

WHEREAS the rights, privileges and immunities of a large class of the free citizens of this State, under the Constitution of the United States, are openly and deliberately violated by a law of South-Carolina, inconsistent with and in defiance of the provisions of said Constitution ;

which law is referred to particularly in certain resolutions heretofore submitted to this house, and some time since referred to a committee of the whole house, relating to the expulsion of the Hon. Samuel Hoar from said State :

AND WHEREAS the duty which this State owes to herself and her citizens, demands early and decisive action, by way of expression of her protest against said law of South-Carolina :

Therefore,

*Resolved*, That the resolutions relating to the existing controversy between Massachusetts and South-Carolina, some time since submitted to this House, be made a special order for Monday next at twelve o'clock noon, and that the House will then go into committee of the whole upon that subject.

Mr. M. Brooks moved to lay the said preamble and resolution on the table.

Pending the consideration of the said motion, and on motion of Mr. Bevens,

The House then adjourned to eleven o'clock on Monday morning.

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## MONDAY, FEBRUARY 17, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Mason.

The minutes of Saturday were read and approved.

The petition of the common council of the city of Rochester, praying for the passage of a law to amend the charter of said city, was read, and referred to the committee on the judiciary.

Two several petitions of sundry inhabitants of the county of Ulster, praying for a reduction of the rate of interest to six per centum, were read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the county of Albany, praying for an increase of the compensation of jurors and witnesses, was read, and referred to the committee on the judiciary.

The remonstrance of five hundred inhabitants of the town of Watervliet in the county of Albany, against the erection of a bridge across the Hudson river at the city of Albany, was read, and referred to the committee on roads and bridges.

The remonstrance of sundry inhabitants of the county of Chautauque, against the erection of a toll-bridge across the Eighteen-mile creek, was read, and referred to the committee on roads and bridges.

The memorial of the Delaware and Hudson Canal Company, in reference to the New-York and Erie Railroad Company, was read, and referred to the committee on railroads.

The petition of the trustees of the St. Lawrence Academy, praying for relief, was read, and referred to the committee on colleges, academies and common schools.

The petition of sundry inhabitants of the town of New-Paltz in the county of Ulster, praying for a division of said town, was read, and referred to the committee on the erection and division of towns and counties.

The remonstrance of sundry inhabitants of the town of Butternuts in the county of Otsego, against the division of said county, was read, and referred to the committee on the erection and division of towns and counties.

Four several remonstrances of sundry inhabitants of the county of Chautauque, against the division of said county, were read, and referred to the committee on the erection and division of towns and counties.

The petition of sundry inhabitants of the town of Durham in the county of Greene, praying for the incorporation of a company to construct a turnpike road in the said county, was read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the county of Greene, praying for the passage of a law authorising par redemptions in the city of Albany or New-York, was read, and referred to the committee on banks and insurance companies.

The petition of sundry inhabitants of the counties of Albany and Saratoga, praying for the passage of a law to preserve certain fish in the Mohawk river, was read, and referred to the committee on the internal affairs of towns and counties.

The petition of sundry inhabitants of the county of Chenango, praying for the passage of a law requiring all voters to register their names in the clerk's office of the town in which they reside, was read, and referred to the committee on privileges and elections.

The petition of the State Prison Association in the city of New-York, praying for an act of incorporation, was read, and referred to the committee on charitable and religious societies.

The petition of sundry inhabitants of the county of Montgomery, praying for the passage of a law to abolish the office of collector in the several towns, was read, and referred to the committee on the internal affairs of towns and counties.

The petition of James Hay, claiming to be the nearest living relative of John G. Leake deceased, and praying that he may be permitted to hold the escheated lands of the said John G. Leake, was read, and referred to the committee on the petitions of aliens.

The petition of sundry inhabitants of the city of New-York, praying for the passage of a general law for the incorporation of manufacturing and agricultural companies, was read, and referred to the committee on trade and manufactures.

Four several petitions of sundry inhabitants of the county of Steuben, praying for the repair of the Crooked Lake Canal, were read, and referred to the committee on canals.

Two several petitions of sundry inhabitants of the county of Lewis, praying for the immediate completion of the Black River Canal, were read, and referred to the committee on canals.

Six several petitions of sundry inhabitants of the counties of Albany and Columbia, praying for an alteration of the law respecting landlord



and tenant, were read, and referred to the select committee on that subject.

The preamble and resolutions of the common council of the city of Schenectady, praying for the passage of resolutions instructing our senators in Congress to oppose the annexation of Texas to the United States, were read, and referred to the select committee on that subject.

Three several petitions of sundry inhabitants of the counties of Greene, Cayuga and Chenango, praying for a reduction of lawyers' fees, were read, and referred to a select committee.

Eighteen several petitions of sundry inhabitants of the counties of Onondaga, Albany, Cortland, Jefferson, Oswego, Otsego, Ulster and Monroe, praying for the passage of a law submitting the question of license to the people of the several cities and towns, were read, and referred to the committee of the whole when on the bill upon that subject.

Three several petitions of sundry inhabitants of the counties of Brome and Allegany, praying for the passage of a law authorising the New-York and Erie Railroad Company to locate certain portions of their road in the State of Pennsylvania, were read, and referred to the committee of the whole when on the bill upon that subject.

Four several remonstrances of sundry inhabitants of the counties of Broome and Sullivan, against allowing the New-York and Erie Railroad Company to locate any portion of their road in Pennsylvania, were read, and referred to the committee of the whole when on the bill upon that subject.

Three several petitions of sundry inhabitants of the counties of Genesee, Oneida and Oswego, praying for the passage of a law to punish licentiousness, were read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Otsego, praying for the incorporation of the American and Foreign Bible Society, was read, and referred to the committee of the whole when on the bill upon that subject.

The petition of the trustees of the Walworth Academy, praying for a more equal distribution of the Literature Fund, was read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of one hundred and fifty inhabitants of the city of Albany, against religious legislation, and in favor of the equal taxation of all property, and that clergymen be entitled to hold office, was read.

Mr. Bloss moved that the said remonstrance be printed.

Mr. Bevens moved that the said motion of Mr. Bloss be laid on the table.

Mr Speaker put the question whether the House would agree to the said motion of Mr. Bevens, and it was determined in the affirmative.

Mr. Titus, from the committee on trade and manufactures, to which was referred the petition of the Brooklyn Quay Company, for an act of incorporation, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Titus accordingly brought in the said bill, entitled "An act to incorporate the Brooklyn Quay Company," which



was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Tefft, from the committee on claims, to which was referred the petition of John Watkins, for relief, reported favorably to the prayer of the petitioner, and asked leave to bring in a bill.

Leave being granted, Mr. Tefft accordingly brought in the said bill, entitled "An act for the relief of John Watkins;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Tefft, from the committee on claims, to which was referred the petition of Hart and Candee, for relief, reported unfavorably to the prayer of the petitioners, and offered the following resolution, to wit :

*Resolved*, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

A statement from the Firemen's Insurance Company of the city of New-York, in conformity with a resolution of the Assembly of the 8th February, 1845, was received and read.

[See Document No. 111.]

*Ordered*, That the said report be laid on the table.

A message from the Senate, with the bill therein mentioned, was received and read, informing that the Senate have passed the bill entitled "An act to increase the capital of the Common School Fund," and request the concurrence of the Assembly in the same.

The said bill was read the first time, and by unanimous consent was also read a second time, and referred to the committee on colleges, academies and common schools.

By unanimous consent,

Mr. Ross, from the committee on the incorporation of cities and villages, to which was referred the petition of the common council of the city of Buffalo, relative to the funding of the debt of said city, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Ross accordingly brought in the said bill, entitled "An act to authorise the common council of the city of Buffalo to borrow money;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Bailey moved to lay the order of business, of "Motions, resolutions and notices," on the table.

Mr. Speaker put the question whether the House would agree to the said motion, and it was determined in the negative.

{ AYES 46 }  
{ NAYS 49 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. Gregory      | Mr. Porter          |
| Mr. Bailey      | Mr. Hall         | Mr. Preston         |
| Mr. J. Brooks   | Mr. Harden       | Mr. Rogers          |
| Mr. M. Brooks   | Mr. Hazelton     | Mr. Sager           |
| Mr. L. H. Brown | Mr. Hervey       | Mr. Searing         |
| Mr. A. H. Buell | Mr. Hine         | Mr. Skelton         |
| Mr. Bunker      | Mr. Jones        | Mr. R. L. Stevenson |
| Mr. Carpenter   | Mr. Kinne        | Mr. Sweeney         |
| Mr. Chase       | Mr. M'Carthy     | Mr. Tefft           |
| Mr. Constant    | Mr. M'Key        | Mr. Thayer          |
| Mr. Crain       | Mr. C. B. Miller | Mr. Titus           |
| Mr. Dayton      | Mr. S. Miller    | Mr. Tuthill         |
| Mr. Dickson     | Mr. Newkirk      | Mr. Van Valkenburgh |
| Mr. Fellows     | Mr. Oakley       | Mr. Walrath         |
| Mr. Fonda       | Mr. Pierce       | Mr. Wheeler         |
| Mr. D. Gould    |                  |                     |

46

Those who voted in the negative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Barber       | Mr. Hammond    | Mr. Niven           |
| Mr. Bevens       | Mr. Hannum     | Mr. Raymond         |
| Mr. Billings     | Mr. Harris     | Mr. Ross            |
| Mr. Blake        | Mr. Horton     | Mr. Sears           |
| Mr. Bloss        | Mr. Howard     | Mr. Sherman         |
| Mr. Bowen        | Mr. Huntington | Mr. W. Smith        |
| Mr. S. A. Brown  | Mr. Jarvis     | Mr. Spring          |
| Mr. Bush         | Mr. Johnson    | Mr. J. Stevenson    |
| Mr. Casner       | Mr. D. Lee     | Mr. Thompson        |
| Mr. Coe          | Mr. Litchfield | Mr. Van Schoonhoven |
| Mr. Collins      | Mr. Long       | Mr. Wells           |
| Mr. C. F. Crosby | Mr. M'Vean     | Mr. White           |
| Mr. Culver       | Mr. Mann       | Mr. Wilcox          |
| Mr. Feen         | Mr. Mather     | Mr. Worden          |
| Mr. Frisbee      | Mr. Morris     | Mr. A. W. Young     |
| Mr. Giffard      | Mr. Morrison   | Mr. J. Young        |
| Mr. G. Gould     |                |                     |

49

On motion of Mr. Morrison,

*Resolved*, That the Governor be requested to inform this House, whether the sum of ten thousand dollars, or thereabouts, has not been set apart for this State, from the United States land fund; and if yea, where the same is, the amount thereof, and why the same has not been received into the Treasury of this State.

The House then proceeded to the consideration of the resolution offered on Saturday by Mr. Coe, in the words following, to wit:

*Resolved*, That the Canal Commissioners be requested to report to this House, in carrying out the provisions of the eighth section of the act passed May 6th, 1844, entitled "An act to provide for the

preservation of certain public works, and for other purposes," what proposals were received by them for the construction or completion of the work on section 51 to 57 of the Erie Canal, both inclusive; by whom such proposals were made, what their terms, what securities offered: If, in any case, the proposals which were apparently most favorable to the State were rejected, the reasons of such rejection, and particularly whether the securities in such cases were deemed insufficient: Also whether, in any case, the proposals first accepted by the Commissioners, failed to be consummated; if so, the reasons of such failure: Also as to any of said sections, when contracts have been entered into, what are the terms of said contracts, and with whom made.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

On motion of Mr. Bevens,

*Ordered*, That the petition of one hundred and fifty inhabitants of the city of Albany, relative to religious legislation, be taken from the table, and referred to the select committee on constitutional amendments.

Mr. D. Lee called for the consideration of the resolution offered by him on Saturday, in the words following, to wit:

*Resolved*, That the committee to whom was referred the papers in relation to the annexation of Texas, be discharged from the further consideration of the subject; and that the papers reported by them, and those in their possession, be referred to the committee of the whole, and made the special order for Monday next at twelve o'clock at noon.

Mr. Speaker put the question whether the House would proceed to the consideration of the said resolution, and it was determined in the negative.

In pursuance of previous notice, Mr. Bowen asked for and obtained leave to bring in a bill, entitled "An act to amend an act entitled 'An act to incorporate the village of Lockport,' passed March 26th, 1829;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the incorporation of cities and villages.

In pursuance of previous notice, Mr. Thompson asked for and obtained leave to bring in a bill, entitled "An act more effectually to punish unlawful attempts to procure abortion;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

Mr. Harris gave notice that, on some future day, he would ask leave to introduce a bill to extend the time for the collection of taxes in the city and county of Albany.

Mr. Worden gave notice that he would, at an early day, ask leave to introduce a bill to preserve the peace and enforce the laws of this State.

Mr. Bloss gave notice that he would hereafter introduce a bill to amend the charter of the city of Rochester, agreeable to a petition of the common council of the said city of Rochester.

On motion of Mr. White,

*Resolved*, That all petitions and other papers on the files of this house, in reference to amendments number one and two reported by the select committee on constitutional amendments, be taken from the

files, and referred to the committee of the whole having charge of said amendments.

Mr. Ross gave notice that he would to-morrow ask leave to present a bill to incorporate the New-York Industrial Association.

Mr. Van Valkenburgh gave notice that he would, at an early day, introduce a bill for the incorporation of the Urbana Woolen Manufacturing Company.

The House then proceeded to the consideration of the resolution offered on Saturday by Mr. Van Schoonhoven, in the words following, to wit :

WHEREAS the rights, privileges and immunities of a large class of the free citizens of this State, under the Constitution of the United States, are openly and deliberately violated by a law of South-Carolina, inconsistent with and in defiance of the provisions of said Constitution ; which law is referred to particularly in certain resolutions heretofore submitted to this house, and some time since referred to a committee of the whole house, relating to the expulsion of the Hon. Samuel Hoar from said State :

AND WHEREAS the duty which this State owes to herself and her citizens, demands early and decisive action, by way of expression of her protest against said law of South-Carolina :

Therefore,

*Resolved*, That the resolutions relating to the existing controversy between Massachusetts and South-Carolina, some time since submitted to this House, be made a special order for Monday next at twelve o'clock noon, and that the House will then go into committee of the whole upon that subject.

The question recurred on agreeing to the motion made by Mr. M. Brooks, to lay the said resolution on the table.

Mr. Speaker put the question whether the House would agree to the said motion, and it was determined in the affirmative.

{ AYES 53 }  
{ NAYS 38 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

Mr. Bachman  
Mr. Bailey  
Mr. Bevens  
Mr. Billings  
Mr. Blake  
Mr. J. Brooks  
Mr. M. Brooks  
Mr. L. H. Brown  
Mr. A. H. Buel  
Mr. Bunker  
Mr. Carpenter

Mr. D. Gould  
Mr. Hall  
Mr. Harden  
Mr. Hazelton  
Mr. Hervey  
Mr. Hine  
Mr. Howard  
Mr. Jarvis  
Mr. Jones  
Mr. Kinne  
Mr. Knapp

Mr. Pierce  
Mr. Porter  
Mr. Preston  
Mr. Rogers  
Mr. Sager  
Mr. Searing  
Mr. Sears  
Mr. Skelton  
Mr. W. Smith  
Mr. R. L. Stevenson  
Mr. Tefft



|              |                  |                     |
|--------------|------------------|---------------------|
| Mr. Chase    | Mr. M'Carthy     | Mr. Thayer          |
| Mr. Constant | Mr. M'Key        | Mr. Thompson        |
| Mr. Crain    | Mr. C. B. Miller | Mr. Titus           |
| Mr. Dayton   | Mr. S. Miller    | Mr. Van Valkenburgh |
| Mr. Dickson  | Mr. Newkirk      | Mr. Walrath         |
| Mr. Fellows  | Mr. Niven        | Mr. Wheeler         |
| Mr. Fonda    | Mr. Oakley       |                     |

53

Those who voted in the negative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Barber       | Mr. G. Goold   | Mr. Ross            |
| Mr. Betts        | Mr. Hammond    | Mr. Sherman         |
| Mr. Bloss        | Mr. Hannum     | Mr. Spring          |
| Mr. Bowen        | Mr. Harris     | Mr. J. Stevenson    |
| Mr. S. A. Brown  | Mr. Horton     | Mr. Sweeney         |
| Mr. Casner       | Mr. Huntington | Mr. Van Schoonhoven |
| Mr. Coe          | Mr. Johnson    | Mr. Wells           |
| Mr. Collins      | Mr. D. Lee     | Mr. White           |
| Mr. C. F. Crosby | Mr. Litchfield | Mr. Wilcox          |
| Mr. Culver       | Mr. Long       | Mr. Worden          |
| Mr. Penn         | Mr. Mann       | Mr. A. W. Young     |
| Mr. Frisbee      | Mr. Morrison   | Mr. J. Young        |
| Mr. Giffard      | Mr. Raymond    |                     |

38

On motion of Mr. Walrath,

*Ordered*, That the present order of business, consisting of "Motions, resolutions and notices," be laid on the table.

The House then again resolved itself into a committee of the whole, on the annual message from the Governor; on the engrossed bill from the Senate, entitled "An act to pay the militia called into service in December 1844, and January 1845, and for other purposes;" and on the bill entitled "An act for the relief of certain purchasers of lands in the Oneida reservation in 1840 and 1841;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Sweeney, from the said committee, reported progress on the said message and bills, and asked for and obtained leave to sit again.

A communication was presented by the Chair, and read, in the words following, to wit:

*Albany, February 14, 1845.*

TO THE HONORABLE THE ASSEMBLY OF THE STATE OF NEW-YORK.

Your Honorable Body is respectfully invited to attend the Anniversary of the Delavan Division of the Sons of Temperance, on Wednesday evening, February 19th, in the North Pearl-street Baptist Church (Dr. Welch's); when the Hon. T. H. Oakley, of New-York, will deliver an oration suitable for the occasion.

J. H. CASE,  
J. CORTRIGHT,  
S. QUACKENBUSH,  
*Committee on Invitations.*

A message from the Senate, with the bills therein mentioned, was received and read, informing that the Senate have passed the bill entitled "An act for the relief of Smith Cutler;" the bill entitled "An act in relation to the Marine Hospital and its funds;" the bill entitled "An act in relation to patent rights," and the bill entitled "An act to extend the time for the collection of taxes in the city and county of Albany," and request the concurrence of the Assembly in the same.

The said bills were severally read the first time, and by unanimous consent were also read a second time, and the bill entitled "An act for the relief of Smith Cutler," was referred to the committee on the judiciary; the bill entitled "An act in relation to the Marine Hospital and its funds," was referred to the committee on charitable and religious societies; the bill entitled "An act in relation to patent rights," was referred to the committee on trade and manufactures; and the bill entitled "An act to extend the time for the collection of taxes in the city and county of Albany," was, on motion of Mr. D. Lee, and by unanimous consent, referred to the committee of the whole when on the message of the Governor.

*Ordered*, That Mr. Preston have leave of absence for eleven days.

On motion of Mr. M. Brooks,

The House then adjourned to eleven o'clock to-morrow morning.

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## TUESDAY, FEBRUARY 18, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Bruce.

The minutes of yesterday were read and approved.

The petition of James Milnor and others of the city of New-York, praying for the incorporation of the Domestic and Foreign Missionary Society of the Protestant Episcopal Church, was read, and referred to the committee on charitable and religious societies.

The resolutions of the annual town meeting of the town of New-Hartford in the county of Oneida, relative to the assessment of corporations, etc., were read, and referred to the committee on the judiciary.

The petition of the Mercantile Mutual insurance Company of the city of New-York, praying for an amendment of their charter, was read, and referred to the committee on banks and insurance companies.

The petition of sundry inhabitants of the county of Steuben, praying for the incorporation of a cotton and woollen factory in the town of Urbana in said county, was read, and referred to the committee on trade and manufactures.

The petition of sundry inhabitants of the town of Leroy in the county of Genesee, praying for an amendment of the charter of the village of Leroy in said town, was read, and referred to the committee on the incorporation of cities and villages.

The petition of the officers and members of the Oneida Agricultural Society, praying for a renewal of the appropriation in aid of agriculture, was read, and referred to the committee on agriculture.

The petition of sundry inhabitants of the county of Orleans, praying for the passage of an act requiring the supervisors of said county to raise money to complete the bridges over Oak-orchard and Marsh creeks, and to loan money for that purpose, was read, and referred to the committee on the internal affairs of towns and counties.

The petition of sundry inhabitants of the county of Herkimer, praying for the abolition of the office of superintendent of common schools in said county, was read, and referred to the committee on colleges, academies and common schools.

The petition of John I. Hopper, praying for a release of purchase money on public lands, was read, and referred to the committee on the public lands.

The petition of sundry inhabitants of the county of Steuben, praying that permission may be granted to the New-York and Erie Railroad Company to locate certain portions of their road in the State of Pennsylvania, was read, and referred to the committee on railroads.

The petition of sundry citizens residing along the Utica and Schenectady railroad, praying for the repeal of the act of last session, allowing railroad companies to carry freight, was read, and referred to the committee on railroads.

The petition of sundry inhabitants of the county of Erie, praying for the incorporation of a company to construct a railroad from the village of Attica in the county of Wyoming, to the village of Hornellsville in the county of Steuben, was read, and referred to the committee on railroads.

Five several remonstrances of sundry inhabitants of the county of Chautauque, against any division of said county, were read, and referred to the committee on the erection and division of towns and counties.

The petition of sundry inhabitants of the county of Broome, praying for the erection of a new county from parts of the counties of Broome, Delaware, Chenango and Otsego, to be called Wright, was read, and referred to the committee on the erection and division of towns and counties.

The remonstrance and proceedings of a meeting of sundry inhabitants of the town of Florence in the county of Oneida, against annexing part of that town to the town of Camden in said county, were read, and referred to the committee on the erection and division of towns and counties.

The petition of sundry inhabitants of the county of Allegany, praying for the erection of a new town from parts of the towns of Independence and Scio in said county, was read, and referred to the committee on the erection and division of towns and counties.

The petition of sundry inhabitants of the county of Fulton, praying for the passage of an act to annex part of the town of Johnstown to the town of Bleecker in said county, was read, and referred to the committee on the erection and division of towns and counties.

The petition of sundry inhabitants of the county of Rensselaer, praying

for the removal of the bridge across the Hudson river at the city of Troy, was read, and referred to the committee on roads and bridges.

Twelve several petitions of sundry inhabitants of the counties of Monroe, Greene, Rensselaer, Dutchess, Washington and Orange, praying that the canal locks may be closed on the Sabbath, were read, and referred to the committee on canals.

The petition of sundry inhabitants of the county of Erie, praying for such legislation as will secure the greatest amount of revenue from the canals in this State, was read, and referred to the committee on canals.

The petition of sundry inhabitants of the county of Lewis, praying for the completion of the Black River Canal, was read, and referred to the committee on canals.

The petition of sundry inhabitants of the county of Allegany, praying for the completion of the Genesee Valley Canal, was read, and referred to the committee on canals.

The petition of Charles J. Hill of the county of Monroe, praying for the passage of a law refunding certain monies paid by him for the benefit of the Erie Canal, was read, and referred to the committee on canals.

The remonstrance of sundry inhabitants of the county of Oswego, against the proposed discriminating duties on the Erie Canal, was read, and referred to the committee on canals.

Mr. L. H. Brown moved that the said remonstrance be printed.

Mr. Speaker put the question whether the House would agree to the said motion, and it was determined in the affirmative.

[See Document No. 85.]

The petition of sundry inhabitants of the county of Cayuga, praying the Legislature to take measures for the abrogation of a rule of the Supreme Court, requiring seven years study previous to admission as an attorney of that court, was read, and referred to a select committee.

The petition of sundry inhabitants of the county of Rensselaer, praying for the passage of a law to tax permanent ground rents, was read, and referred to a select committee.

Five several petitions of sundry inhabitants of the counties of Albany and Rensselaer, praying for an alteration of the law respecting landlord and tenant, were read, and referred to the select committee on that subject.

The petition of sundry inhabitants of the county of Allegany, praying for a reduction of the fees and costs of attorneys in courts of record, was read, and referred to a select committee.

The petition of sundry inhabitants of the county of Dutchess, praying for the passage of a law to suppress licentiousness, was read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Allegany, praying that the New-York and Erie Railroad Company may be permitted to locate certain portions of their road in the State of Pennsylvania, was



read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Madison, praying for the incorporation of the American and Foreign Bible Society, was read, and referred to the committee of the whole when on the bill upon that subject.

Two several remonstrances of sundry inhabitants of the county of Albany, against the incorporation of the American and Foreign Bible Society, were read, and referred to the committee of the whole when on the bill upon that subject.

Six several petitions of sundry inhabitants of the counties of Rensselaer, Washington, Onondaga, Ontario and Oneida, praying for the passage of a law submitting the question of license to the people of the several cities and towns, were read, and referred to the committee of the whole when on the bill upon that subject.

Mr. Coe, from the committee on canals, to which was referred the petitions and remonstrances relative to connecting a slip and basin with the Dansville sidecut of the Genesee Valley Canal, reported in writing, and asked leave to bring in a bill.

[See Document No. 117.]

Leave being granted, Mr. Coe accordingly brought in the said bill, entitled "An act to authorise Charles Shepard and others to connect a slip and basin with the Dansville sidecut of the Genesee Valley Canal;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Thompson, from the committee on charitable and religious societies, to which was referred the engrossed bill from the Senate, entitled "An act in relation to the Marine Hospital and its funds," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. A. W. Young, from the committee on colleges, academies and common schools, to which was referred the petition of P. L. Tracy and others, for the incorporation of the Genesee and Wyoming Seminary, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. A. W. Young accordingly brought in the said bill, entitled "An act to incorporate the Genesee and Wyoming Seminary;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. S. Miller, from the committee on colleges, academies and common schools, to which was referred the petition of sundry inhabitants of the county of Orange, praying for the incorporation of the Middletown Lyceum, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. S. Miller accordingly brought in the said

bill, entitled "An act to incorporate the Middletown Lyceum in Middletown, Orange county;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

The hour of twelve o'clock having arrived,

The House, in pursuance of a special order, resolved itself into a committee of the whole, on the bill entitled "An act to amend an act in relation to State prisons, passed May 1st, 1844 ;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. M'Carthy, from the said committee, reported progress, and asked for and obtained leave to sit again.

By unanimous consent,

Mr. Van Valkenburgh offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill introduced by Mr. Huntington, on the subject of seduction and adultery, be made the special order of the day for twelve o'clock to-morrow.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

A statement of the North River Insurance Company, in conformity with a resolution of the Assembly of the eighth of February, 1845, was received and read.

[*See Document No. 108.*]

*Ordered*, That the said report be laid on the table.

A statement of the Bowery Fire Insurance Company, in conformity with a resolution of the Assembly of the eighth of February, 1845, was received and read.

[*See Document No. 82.*]

*Ordered*, That the said report be laid on the table.

Mr. C. F. Crosby offered for the consideration of the House a preamble and resolution, in the words following, to wit :

Saturday next, the twenty-second instant, being the anniversary of the Birth of WASHINGTON ; therefore, in conformity with usage,

*Resolved*, That when this House adjourns on Friday next, it will adjourn to eleven o'clock on Monday morning.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

A communication from the Comptroller, in answer to a resolution of the Assembly of the twelfth instant, relative to the expenses of the Geological Survey of this State, was received and read.

[*See Document No. 153.*]

*Ordered*, That the said report be laid on the table.

In pursuance of previous notice, Mr. Ross asked for and obtained leave to bring in a bill, entitled "An act to incorporate the New-York

Industrial Association ;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on agriculture.

Mr. Fonda, from the majority of the committee on the militia and public defence, to which was referred the bill entitled "An act relative to the militia and public defence," reported in writing, and concluded by recommending that the said bill, entitled "An act relative to the militia and the public defence," be passed into a law.

[See Document No. 110.]

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Sweeney, from the minority of the committee on the militia and public defence, to which was referred the bill entitled "An act to improve the militia of this State," asked leave to submit a report in writing.

Leave being granted, Mr. Sweeney accordingly submitted the said report, which concluded by recommending that the said bill, entitled "An act to improve the militia of this State," be passed into a law.

[See Document No. 109.]

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Tefft, from the committee on claims, to which was referred the petition of Asa T. Smith, for relief, reported in favor of the prayer of the petitioner, and asked leave to bring in a bill.

Leave being granted, Mr. Tefft accordingly brought in the said bill, entitled "An act for the relief of Asa T. Smith ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Tefft, from the committee on claims, to which was referred the petition of John Burch, praying for the passage of a law authorising the Canal Appraisers to examine his claim for canal damages, reported the following resolution, to wit :

*Resolved*, That the committee on claims be discharged from the consideration of the petition of John Burch, and that the same be referred to the Canal Board.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Dickson, from the committee on the petitions of aliens, to which was referred the petition of John Allerthorn, for relief, reported favorably to the prayer of the petitioner, and asked leave to bring in a bill.

Leave being granted, Mr. Dickson accordingly brought in the said bill, entitled "An act for the relief of John Allerthorn, an alien;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Dickson, from the committee on the petitions of aliens, to which was referred the petition of Ferdinand Mongin, praying for the passage of a law authorising his wife to inherit certain real estate, reported, that

the committee had examined the said petition, and concluded to offer the following resolution, to wit :

*Resolved*, That the committee on the petitions of aliens be discharged from the further consideration of the petition of Ferdinand Mongin.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Newkirk, from the committee on claims, to which was referred the petition of Sage, Walrath and Dunham, reported in writing, and asked leave to bring in a bill.

[*See Document No. 126.*]

Leave being granted, Mr. Newkirk accordingly brought in the said bill, entitled "An act for the relief of Hezekiah Sage, John I. Walrath and Albert T. Dunham ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Titus, from the committee on trade and manufactures, to which was referred the petition of sundry citizens of the city of New-York, praying for the incorporation of the Apalachicola Land Company, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Titus accordingly brought in the said bill, entitled "An act to incorporate the Apalachicola Land Company ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

By unanimous consent,

Mr. Bloss asked for and obtained leave to bring in a bill, entitled "An act to amend the charter of the city of Rochester ;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

Mr. G. Gould, from the committee on charitable and religious societies, to which was referred the petition of the Hebrew Mutual Benefit Society, for an act of incorporation, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. G. Gould accordingly brought in the said bill, entitled "An act to incorporate the Gemileth Chesed, or Hebrew Mutual Benefit Society in the city of New-York ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

By unanimous consent,

Mr. Coe offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the engrossed bill from the Senate, entitled "An act to pay the militia called into service in December 1844 and January 1845, and for other purposes," be taken from the committee of the whole, and referred back to the committee on the militia and public defence, with instructions to inquire into the various items of expense in the transportation of said troops, and in their sustenance, and the items of expense in the expedition generally, and the kind of accommo-



dations which were furnished to the troops at Hudson ; also the circumstances under which accidents occurred, by which some individuals of the said troops were seriously injured in their persons : And that the said committee report these particulars to this House at as early a day as possible ; and that said committee have power to send for persons and papers.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

On motion of Mr. C. B. Miller,

The House then adjourned to eleven o'clock to-morrow morning.

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## WEDNESDAY, FEBRUARY 19, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Mason.

The minutes of yesterday were read and approved.

Five several remonstrances of sundry inhabitants of the counties of Orange, Ulster and Dutchess, praying for a reduction of the rate of interest to six per centum, were read, and referred to the committee on the judiciary.

Two several petitions of sundry inhabitants of the county of Albany, praying for an increase of the compensation of jurors and witnesses, were read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the city of New-York, praying for the passage of a law to close the State courts against applicants for naturalization, was read, and referred to the committee on the judiciary.

The petition of the Williamsburgh Fire Insurance Company, praying for an amendment of their charter, was read, and referred to the committee on banks and insurance companies.

The petition of sundry inhabitants of the county of Otsego, praying for the passage of a law requiring the banks to redeem their notes at par in Albany or New-York, was read, and referred to the committee on banks and insurance companies.

The resolutions adopted at a convention held in the county of Onondaga, recommending a reduction of the salaries of the superintendent of the salt springs and inspector of salt, were read, and referred to the committee on the manufacture of salt.

The petition of sundry inhabitants of the county of Cayuga, praying for a reduction of the salaries of the officers of the State Prison at Auburn, was read, and referred to the committee on state prisons.

The petition of the trustees of school district number six of the towns of Perry and Castile in the county of Wyoming, praying for an amendment of the school law, was read, and referred to the committee on colleges, academies and common schools.

The petition of sundry inhabitants of the county of Otsego, praying

for the passage of a law in favor of the establishment of teacher's institutes in each county, and remonstrating against any other change in our present common school system, was read, and referred to the committee on colleges, academies and common schools.

The petition of sundry inhabitants of the county of Tioga, praying for the passage of a law to make the district attorney of said county a salary officer, and for other purposes, was read, and referred to the committee on the internal affairs of towns and counties.

The remonstrance of the president and directors of the Union Bridge Company, against a reduction of the tolls on their bridge, was read, and referred to the committee on roads and bridges.

The remonstrance of sundry inhabitants of the counties of Erie and Chautauque, against the continuance of the toll-bridge across the Eighteen-mile creek, was read, and referred to the committee on roads and bridges.

Two several petitions of sundry inhabitants of the county of Dutchess, praying for the appointment of commissioners to lay out a road through the Highlands, to be constructed by convict labor, were read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the town of Independence in the county of Allegany, praying for the erection of a new town, to be taken from parts of the towns of Independence and Scio, was read, and referred to the committee on the erection and division of towns and counties.

The remonstrance of sundry inhabitants of the town of Harmony in the county of Chautauque, against the division of said county, was read, and referred to the committee on the erection and division of towns and counties.

The petition of William P. Mansfield, praying for the appraisal of certain lands, and the release of a portion of the old Erie canal, which is situated on his premises, was read, and referred to the committee on grievances.

The petition of John Mattimore, William Gibson and James Vosburgh, praying for relief from damages received by being thrown from a canal bridge, was read, and referred to the committee on grievances.

The petition of sundry citizens residing along the turnpike road west of the city of Schenectady, praying for the passage of a law to remove the gates from said road, was read, and referred to the committee on railroads.

Two several petitions of sundry inhabitants of the county of Lewis, praying for the immediate completion of the Black River Canal, were read, and referred to the committee on canals.

Two several petitions, praying for the repeal of the law passed at the last session, allowing the Utica and Schenectady Railroad Company to carry freight, were read, and referred to the committee on canals.

The petition of sundry inhabitants of the county of Allegany, praying for the resumption of work on the Genesee Valley Canal, was read, and referred to the committee on canals.

The remonstrance of sundry inhabitants of the county of Jefferson, against the proposed discriminating tolls on the Erie canal, was read, and referred to the committee on canals.

The petition of John T. Gough and others, on behalf of the Albany Emmet Guards, praying for the use of the Assembly chamber on Saturday the twenty-second instant, Washington's Birthday, was read.

Mr. Jones moved that the prayer of the said petition be granted.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Jones, and it was determined in the affirmative.

Ten several petitions of sundry inhabitants of the counties of Sullivan, Delaware, Otsego, Albany, Columbia and Rensselaer, praying for a change of the law respecting landlord and tenant, were read, and referred the select committee on that subject.

The petition of sundry inhabitants of the county of Albany, praying for an extension of the right of suffrage to colored persons, was read, and referred to a select committee.

The petition of sundry inhabitants of the county of Greene, praying for the repeal of the act of last session, respecting costs and fees in courts of record, was read, and referred to a select committee.

The petition of sundry inhabitants of the county of Albany, praying for the passage of a law submitting the question of license to the people of the several cities and towns, was read, and referred to the committee of the whole when on the bill upon that subject.

Two several remonstrances of sundry inhabitants of the counties of Orange and Dutchess, against the passage of the bill reported for the suppression of licentiousness, were read, and referred to the committee of the whole when on the said bill.

The petition of sundry inhabitants of the city of New-York, praying for the passage of a law for the registration of legal voters, was read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the city of New-York, praying for the alteration and revision of the militia system, was read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Orleans, praying for the incorporation of the American and Foreign Bible Society, was read, and referred to the committee of the whole when on the bill upon that subject.

The memorial of the board of managers of the American and Foreign Bible Society, explaining their application for an act of incorporation, was read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Delaware, praying for the passage of a law authorising the New-York and Erie Railroad Company to locate certain portions of their road in the State of Pennsylvania, was read, and referred to the committee of the whole when on the bill upon that subject.

Three several remonstrances of sundry inhabitants of the counties of Sullivan and Broome, against the location of any part of the New-York and Erie railroad in the State of Pennsylvania, were read, and referred to the committee of the whole when on the bill upon that subject.

Mr. Thompson, from the committee on charitable and religious societies, to which was referred the petition of the Prison Association in



the city of New-York, for an act of incorporation, reported in writing, and asked leave to bring in a bill.

[See Document No. 96.]

Leave being granted, Mr. Thompson accordingly brought in the said bill, entitled "An act to incorporate the Prison Association of the city of New-York;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Ross, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the village of Lockport,' passed March 26th, 1829," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. A. H. Buell, from the committee on banks and insurance companies, to which was referred the petition of sundry inhabitants of the county of Erie, praying for the incorporation of the Farmers' Mutual Insurance Company of said county, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. A. H. Buell accordingly brought in the said bill, entitled "An act to incorporate the Farmers' Mutual Insurance Company of Erie county;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. W. Smith, from the committee on indian affairs, to which was referred the petition of sundry inhabitants of the county of Onondaga, praying for an appropriation to open and improve a road through the Onondaga Indian reservation, reported, that the committee had examined the said petition, and concluded to offer the following resolution, to wit:

*Resolved*, That the committee on indian affairs be discharged from the further consideration of the petition for an appropriation to open and improve a road through the Onondaga Indian reservation.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. A. H. Buell, from the committee on banks and insurance companies, to which was referred the petition of Robert L. Patterson and others, for the incorporation of the Mutual Benefit Life Insurance Company in the city of New-York, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. A. H. Buell accordingly brought in the said bill, entitled "An act to incorporate the Mutual Benefit Life Insurance Company in the city of New-York;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Hervey, from the committee on charitable and religious societies, to which was referred the petition for the incorporation of the St. David's



Benevolent Society in the city of New-York, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Hervey accordingly brought in the said bill, entitled "An act to incorporate the St. David's Benevolent Society of the cities of New-York and Brooklyn;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Titus, from the committee on trade and manufactures, to which was referred the engrossed bill from the Senate, entitled "An act in relation to patent rights," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Titus, from the committee on trade and manufactures, to which was referred the petition of sundry mechanics of the city of Troy, for an amendment of the law for the better security of mechanics, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Titus accordingly brought in the said bill, entitled "An act to amend an act passed May 7th, 1844, for the better security of mechanics and builders;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

A statement of the North American Fire Insurance Company of the city of New-York, in conformity with a resolution of the Assembly of the eighth of February, 1845, was received and read.

[See Document No. 138.]

*Ordered*, That the said report be laid on the table.

A statement from the National Fire Insurance Company in the city of New-York, in conformity with a resolution of the Assembly of the eighth of February, 1845, was received and read.

[See Document No. 137.]

*Ordered*, That the said report be laid on the table.

By unanimous consent,

Mr. Coe moved that the engrossed bill from the Senate, entitled "An act in relation to patent rights," be taken from the committee of the whole, and ordered to have its third reading.

Mr. Speaker put the question whether the House would agree to the said motion, and it was determined in the affirmative.

By unanimous consent,

Mr. Morrison offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That it shall be the duty of the messengers of this House, under the direction of the Sergeant-at-arms, to place the legislative documents in their order upon the files of the members, before the house is opened ; and that no documents be hereafter laid upon the desks,

except extra copies ; and that the per diem allowance of the messengers be increased to

*Ordered,* That the said resolution be laid on the table.

A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
*Albany, February 18, 1845. }*

TO THE ASSEMBLY.

In reply to the resolution of the Honorable the Assembly of the 17th instant, requesting me to inform that House "whether the sum of ten thousand dollars, or thereabouts, has not been set apart for this State from the United States Land Fund ; and if yea, where the same is, the amount thereof, and why the same has not been received into the Treasury of this State," I have to refer the House to a communication made to the Legislature, by my immediate predecessor in office, under date of the 18th of April, 1843, which I find upon page 1003 of the Assembly Journal of 1843. That communication contains all the information in my possession upon the subject of the various inquiries embraced in the resolution. The letter from the Comptroller of the Treasury, referred to in the message of Governor Bouck, I do not find upon the executive files, and therefore can only speak of it from that reference ; and I have no information as to the amount of money set apart to this State, any disposition made of it, or the reasons "why the same has not been received into the Treasury of this State," other than the information found in the message in question.

I do not find that the Legislature has given to the Governor any advice or direction, in reference to his action upon the communication from the Comptroller of the Treasury, which was requested in the message referred to. I am aware that the law of Congress authorises the payments under it to be made to the order of the Executive of the State, in cases where the State Legislature does not otherwise direct ; but as the late Governor solicited the direction of the Legislature, I presume the reason of his not acting was the absence of that direction.

I was not myself aware, until the resolution of the Honorable the Assembly was placed in my hands, that this amount of money had been set apart to the State. I infer that the sum named is the dividend falling to this State, from the shares of the original fund to be distributed, set to those States which have refused to accept the money. Not feeling certain that the Legislature of this State will be inclined to take from the common Treasury of all the States money thus voluntarily left in that Treasury by a sister State, for the purpose of converting it to its own separate use, had I been aware of the state of the facts as I now suppose them to exist, I should not have felt authorised, without the express direction of the Legislature, to have drawn for the money. The same view of the matter will restrain me, for the future, from availing myself of the power conferred by the law of Congress to bring this money into the Treasury of the State ; and I take this occasion to make the declaration, that the Legislature, if it shall be disposed to have the money drawn, may give its direction in the premises.

SILAS WRIGHT

[ See Document No. 88.]

*Ordered*, That the said message be laid on the table.

The engrossed bill from the Senate, entitled "An act in relation to patent rights," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The hour of twelve o'clock having arrived,

The House, in pursuance of a special order, resolved itself into a committee of the whole, on the bill entitled "An act to punish seduction and adultery as crimes, and for other purposes;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. D. Lee, from the said committee, reported progress, and asked for and obtained leave to sit again.

On motion of Mr. Van Schoonhoven,

The House then adjourned to eleven o'clock to-morrow morning.

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## THURSDAY, FEBRUARY 20, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Bruce.

The Hon. Horatio Seymour, Speaker of the Assembly, resumed the chair.

The minutes of yesterday were read and approved.

The petition of sundry inhabitants of the county of Orange, praying for a reduction of the rate of interest to six per centum, was read, and referred to the committee on the judiciary.

The petition of sundry merchants and other citizens of the county of Columbia, praying for the passage of a law more effectually to suppress hawking and peddling, was read, and referred to the committee on trade and manufactures.

The petition of sundry inhabitants of the county of Steuben, praying for the passage of a law to reduce the number of town officers, was read, and referred to the committee on the internal affairs of towns and counties.

Three several petitions of sundry inhabitants of the counties of Ulster, Greene and Saratoga, praying for the passage of a law requiring the banks of this State to redeem their notes at par in Albany or New-York, were read, and referred to the committee on banks and insurance companies.

The petition of H. B. Ely of the city of Rochester, praying for the incorporation of the Empire Mutual Insurance Company in said city, was read, and referred to the committee on banks and insurance companies.

The memorial and proceedings of a public meeting of the inhabitants of the county of Steuben, in favor of an appropriation to repair the Crooked Lake Canal, were read, and referred to the committee on canals.

The petition of Matthew Huntington of the county of Oneida, praying for the payment of that portion of an award of the Canal Appraisers, withheld from him by the Canal Commissioners, was read, and referred to the committee on canals.

The petition of Foster & Frazee, praying for the passage of a law authorising the Canal Commissioners to pay them the moneys due on their contracts for the construction of the Erie canal enlargement, was read, and referred to the committee on canals.

The petition of sundry inhabitants of the county of Lewis, praying for the construction of the Black River Canal, was read, and referred to the committee on canals.

A remonstrance against paying the troops at Hudson by the State, was read, and referred to the committee on the militia and the public defence.

The petition of the officers and members of the Bethel Baptist Church of Williamsburgh, Long Island, praying to have their name changed to the First Baptist Church of the village of Williamsburgh, was read, and referred to the committee on charitable and religious societies.

The petition of sundry inhabitants of the county of Otsego, praying for the establishment of teachers' institutes in each county, was read, and referred to the committee on colleges, academies and common schools.

The petition of sundry inhabitants of the county of Herkimer, praying for the abolishment of the office of superintendent of common schools in said county, was read, and referred to the committee on colleges, academies and common schools.

Three several petitions of sundry inhabitants of the county of Otsego, praying for the erection of a new county, with the seat of justice at Unadilla, were read, and referred to the committee on the erection and division of towns and counties.

The petition of sundry inhabitants of the town of Warwarsing in the county of Ulster, praying for a renewal of the act of 1838, providing for the establishment of a board of health in the several towns in this State, was read, and referred to the committee on medical societies and colleges.

The remonstrance of sundry inhabitants of the town and county of Westchester, against the passage of the act to revive the charter of the Southern Westchester Turnpike Company, was read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of sundry inhabitants of the county of Sullivan, against locating any part of the New-York and Erie railroad out of the State, was read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Orange, praying for the erection of a new town in said county, from parts of the towns



of Goshen, Warwick, Monroe and Bloomingrove, was read, and referred to the committee of the whole when on the bill upon that subject.

Two several petitions of sundry inhabitants of the State of New-York, praying for the repeal of the law allowing railroad companies to carry freight, were read, and referred to the committee on railroads.

Nine several petitions of sundry inhabitants of the counties of Washington, Rensselaer and Dutchess, praying for the incorporation of the American and Foreign Bible Society, were read, and referred to the committee of the whole when on the bill upon that subject.

Six several remonstrances of sundry inhabitants of the counties of Westchester and New-York, against the incorporation of the American and Foreign Bible Society, were read, and referred to the committee of the whole when on the bill upon that subject.

Two several remonstrances of sundry inhabitants of the city of Albany, against the incorporation of the Troy and Greenbush Railroad Association, were read, and referred to the committee of the whole when on the bill upon that subject.

The petition of the Granville Academy, praying for a more equal distribution of the Literature Fund, was read, and referred to the committee of the whole when on the bill upon that subject.

Eleven several petitions of sundry inhabitants of the counties of Delaware, Sullivan and Columbia, praying for an alteration of the law respecting landlord and tenant, were read, and referred to the select committee on that subject.

The petition of sundry inhabitants of the county of Seneca, praying for a reduction of the fees of attorneys in courts of record, was read, and referred to a select committee.

Four several petitions of sundry inhabitants of the counties of Albany, Oswego, Herkimer and Steuben, praying for the passage of a law to punish licentiousness, were read, and referred to the committee of the whole when on the bill upon that subject.

Five several petitions of sundry inhabitants of the counties of Erie, Seneca, Washington, Kings and Cayuga, praying for the passage of a law submitting the question of license to the people of the several cities and towns, were read, and referred to the committee of the whole when on the bill upon that subject.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the petition of William Wickham, for the right of fishery at Big Sodus bay, reported favorably to the prayer of the petitioner, and asked leave to bring in a bill.

Leave being granted, Mr. Chase accordingly brought in the said bill, entitled "An act allowing William Wickham exclusive right of fishery in Lake Ontario, opposite his land in Troupville in the county of Wayne;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Frisbee, from the committee on roads and bridges, to which was referred the petition for the incorporation of the Buffalo and Lancaster Plank Road Company, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Frisbee accordingly brought in the said bill,

entitled "An act to incorporate the Buffalo and Lancaster Plank Road Company ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Frisbee, from the committee on roads and bridges, to which was referred the petition of the president and directors of the Skaneateles Turnpike Road Company, for leave to abandon a part of their road, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Frisbee accordingly brought in the said bill, entitled "An act authorising the Hamilton and Skaneateles Turnpike Company to abandon a part of their road ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Hine, from the committee on the erection and division of towns and counties, to which was referred the petitions of sundry inhabitants of the counties of Broome, Chenango, Otsego and Delaware, for the erection of a new county from parts of said counties, reported unfavorably to the prayer of the petitioners, and offered for the consideration of the House the following resolution, to wit :

*Resolved*, That the prayer of the petitioners ought not to be granted.

On motion of Mr. Bowen,

*Ordered*, That the said resolution be laid on the table.

Mr. Hine, from the majority of the committee on the erection and division of towns and counties, to which was referred the petitions of sundry inhabitants of the counties of Otsego, Delaware and Chenango, for the erection of a new county from parts of said counties, reported unfavorably to the prayer of the petitioners, and offered for the consideration of the House the following resolution, to wit :

*Resolved*, That the prayer of the petitioners ought not to be granted.

On motion of Mr. Fellows,

*Ordered*, That the said resolution be laid on the table.

Mr. Carpenter, from the committee on grievances, to which was referred the petition of Arunah M. Adsit and others, for relief, reported in writing, and asked leave to bring in a bill.

[See Document No. 136.]

Leave being granted, Mr. Carpenter accordingly brought in the said bill, entitled "An act for the relief of Arunah M. Adsit and others ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Bloss, from the committee on charitable and religious societies, to which was referred the petition of sundry citizens of the city of Troy, for the incorporation of the Shamrock Benevolent Association, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Bloss accordingly brought in the said bill, entitled "An act to incorporate the Shamrock Benevolent Association of the city of Troy ;" which was read the first time, and by unanimous

consent was also read a second time, and committed to a committee of the whole house.

Mr. A. C. Smith, from the select committee appointed in pursuance of a resolution of the Assembly, to examine the location of a turnpike gate, and the roads passing around the same, in the town of Cobleskill in the county of Schoharie, reported in writing, and asked leave to bring in a bill.

[See Document No. 103.]

Leave being granted, Mr. A. C. Smith accordingly brought in the said bill, entitled "An act authorising the president, directors and company of the western branch of the Schoharie Turnpike Company to remove the gate in the town of Cobleskill;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

The report of the Canal Board, on the reference of the petition of James Stewart, was received and read.

[See Document No. 125.]

*Ordered*, That the said report be referred to the committee on claims.

A communication from H. P. Peet was received and read, in the words following, to wit :

CONGRESS HALL, }  
Albany, February 20, 1845. }

TO THE SPEAKER OF THE ASSEMBLY.

SIR,

Acting under the authority of the directors of the New-York Institution for the Instruction of the Deaf and Dumb, I have come to this city, with a select number of my pupils, to illustrate, before the Legislature of the State, the principles, the processes, and the results of our system of education. For this purpose I would respectfully ask the use of the Assembly chamber, on Friday (to-morrow) evening, at seven o'clock.

Respectfully yours,

H. P. PEET,

*Principal of the Institution.*

*Ordered*, That leave to occupy the Assembly chamber, as asked in the said communication, be granted.

Mr. Van Valkenburgh gave notice that he would, at an early day, introduce a bill providing that the several counties in the State shall be severally liable for all expenses incurred in suppressing insurrections and maintaining the public peace, unless of so formidable a nature as to require foreign military aid.

On motion of Mr. Dickson,

*Resolved*, That the papers on the files of this house, relating to the application to incorporate the Port Byron and Savannah Turnpike Road and Bridge Company, be taken therefrom, and referred to the committee on roads and bridges.



Mr. Jones offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That five times the usual number of the majority and minority reports and bills, on the militia and public defence, submitted a day or two since, be printed for the use of this House.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the negative.

Mr. Hervey gave notice, that subsequent to his taking his seat in this House on the seventh day of January last, he has discovered that his name has been materially changed, and is not aware that it has been so changed by any act of the Legislature, but finds it so changed by the clerks of this house and by the reporters for the public journals, that it is quite a different name from the one by which he has always been known and distinguished. He finds that he was, on the seventeenth instant, reported in one of the daily papers by a name that does not belong to any member of this Legislature ; and as he considers it not worth the trouble, embarrassment, and inconvenience which would attend and follow a permanent change of his name at his advanced age, he would hereby give notice that he may at some future day offer a resolution, authorising and requiring the clerks of this house, whenever they shall call or report him in voting or any other act done by him, to call and report him by the name by which he was elected and returned to this house as one of the members of this assembly.

*Ordered*, That said notice be referred to the committee on grievances.

Mr. Bowen offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the Canal Commissioners report to this House, in detail, what will probably be the expense of completing all the mechanical structures commenced on the Erie canal enlargement, and of all work necessary to connect said structures with the Erie canal, to bring into use said structures ; and also what the expense will probably be of building, repairing, etc. the work which will be necessary to continue in use that portion of the Erie canal which will be abandoned by bringing into use the above work on the Erie canal enlargement.

*Ordered*, That the said resolution be laid on the table.

Mr. Harris offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill to incorporate the Troy and Greenbush Railroad Association, with the petitions, remonstrances and other papers relating thereto, be referred back to the committee on railroads.

*Ordered*, That the said resolution be laid on the table.

Mr. Coe offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That when this House adjourns on the twenty-first instant, it will adjourn to meet at ten o'clock in the forenoon on the twenty-fourth ; and that after the twenty-fourth, ten o'clock in the forenoon shall be the hour of meeting.

*Ordered*, That the said resolution be laid on the table.

Mr. Garretson offered for the consideration of the House a resolution, in the words following, to wit :



*Resolved*, (if the Senate concur,) That this Legislature will adjourn on Tuesday the eighth day of April next.

*Ordered*, That the said resolution be laid on the table.

On motion of Mr. Wheeler,

*Resolved*, That five hundred copies of the annual report of the Deaf and Dumb Institution, ordered to be printed, be appropriated for the use of the Institution.

On motion of Mr. Bailey,

*Resolved*, That the proposed constitutional amendments reported to this House by the select committee on that subject, be made the special order of the day for to-morrow (Friday) at twelve o'clock, and each day thereafter until disposed of.

Mr. Howard offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the Canal Commissioners report to this House, what, in their opinion, will be the expense to preserve the unfinished work on the Genesee Valley canal for the ensuing year ; and also what will be the expense of completing said canal, from Shaker village, to the feeder south of Portage.

*Ordered*, That the said resolution be laid on the table.

Mr. L. H. Brown offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the Canal Commissioners report to this House the expense of completing the Black River canal from Boonville to Rome, together with the expense of completing the feeder to said canal ; and also the probable cost of preserving the work already done on the Black River canal and feeder for the ensuing year.

*Ordered*, That the said resolution be laid on the table.

On motion of Mr. Niven,

*Resolved*, That the judiciary committee be discharged from the further consideration of petitions and bills in relation to the reduction of interest and usury, and that all such papers be referred to a select committee.

The House then proceeded to the consideration of the resolution offered yesterday by Mr. Morrison, in the words following, to wit :

*Resolved*, That it shall be the duty of the messengers of this House, under the direction of the Sergeant-at-arms, to place the legislative documents in their order upon the files of the members, before the house is opened ; and that no documents be hereafter laid upon the desks, except extra copies ; and that the per diem allowance of the messengers be increased to

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the negative.

Mr. A. H. Buell called for the consideration of the resolution heretofore offered by him, in the words following, to wit :

*Resolved*, That the president and secretary of each of the incorporated railroad companies within this State, make and return to this House, within ten days after receiving notice of this resolution, a statement, subscribed by said officers respectively, and verified by their oaths, showing results for the year ending first January last, in the following particulars :

1. The whole number of passengers transported, distinguishing the way passengers ;
2. The number received at each of the several stations along the line ;
3. The average time of running the whole distance, and the time of stoppages ;
4. The number of regular passenger trains per day, and, if changed during the year, stating the changes ;
5. The aggregate amount received from passengers, distinguishing the amount from way passengers ;
6. The amount earned and received for carrying the United States mail ;
7. The amount received for freight, with amount paid for tolls (if any) to the State ;
8. Amount received from all other resources ;
9. The amount paid out for all purposes, distinguishing expenses of repairs to road, repairs and purchasing of carriages and engines, amount paid for labor, amount for officers' salaries and superintendence, and amount for costs and fees in law suits, and any other items of importance ;
10. The amount of salary and compensation to each director and each officer of the company by name, other than laborers ;
11. The number of free passages granted to persons not travelling on the business of the company at the time, as near as can be ascertained.

Mr. Speaker put the question whether the House would proceed to the consideration of the said resolution, and it was determined in the affirmative.

The question recurred on agreeing to the said resolution.

Mr. Bailey moved that the said resolution be amended, so as to inquire if members of the Legislature ride on railroads without charge.

Mr. Comstock moved that the said resolution and amendment be referred to the committee on railroads.

Debates were thereupon had ; when

Mr. Niven called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Whereupon,

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Comstock, to refer the said resolution and amendment to the committee on railroads, and it was determined in the affirmative.

Mr. M'Carthy offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the Canal Commissioners report to this House the number and names of engineers and assistants employed by them, and the nature and amount of duties performed and the salary paid to each.

*Ordered*, That the said resolution be laid on the table.

Mr. C. F. Crosby offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the select committee on the Texas resolutions, be, and are hereby ordered to report to this House on Tuesday next.

On motion of Mr. Van Valkenburgh,

*Ordered*, That the said resolution be laid on the table.

Mr. Hardin offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill entitled "An act to amend an act entitled 'An act relative to the common school fund of the town of Edmeston, county of Otsego,' passed February 26th, 1828," be made the special order of to-day, at one o'clock in the afternoon.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the negative.

Mr. D. Lee offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the select committee to which was referred the resolutions and other papers relating to the annexation of Texas, be instructed to report the same to the House, when the reports of select committees shall be in order on Monday next.

*Ordered*, That the said resolution be laid on the table.

The House then proceeded to the consideration of the resolution reported by the committee on the rules of the House, in the words following, to wit :

*Resolved*, That after this day, the call for "Motions, resolutions and notices," shall only be in order on Tuesdays and Saturdays of each week.

Mr. D. Lee moved to amend the said resolution, by striking out the word "Saturdays," and inserting the word "Fridays."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. D. Lee, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to the said resolution, as amended, and it was determined in the affirmative.

Mr. Searing gave notice that he would, on some future day, introduce a bill to incorporate the Port Byron and Savannah Turnpike Road and Bridge Company.

On motion of Mr. Comstock,

*Resolved*, That the bill entitled "An act to authorise Charles Shepard and others to connect a slip and basin with the Dansville sidecut of the Genesee Valley canal," and the papers relating thereto, be referred to the Canal Commissioners; and that they report thereon, with their opinion relative to the same, and particularly what effect the connexion of said slip and basin with said canal will have upon the navigation during low water; and also as to the expediency and propriety of the erection of a bulkhead as contemplated by said bill, and their opinion of the effect of said proposed connexion and erection upon the interests of the State."

In pursuance of previous notice, Mr. Mather asked for and obtained leave to bring in a bill, entitled "An act for the reduction of interest,

and to prevent usury ;" which was read the first time, and by unanimous consent was also read a second time, and referred to a select committee.

On motion of Mr. Van Valkenburgh,

*Ordered*, That the order of business, consisting of "Motions, resolutions and notices," be laid on the table.

The House then again resolved itself into a committee of the whole, on the bill entitled "An act to punish seduction and adultery as crimes, and for other purposes;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. D. Lee, from the said committee, reported progress, and asked for leave to sit again.

Mr. Harris moved that the said bill be recommitted to the select committee on the subject of licentiousness.

Mr. Speaker put the question whether the House would agree to the said motion, and it was determined in the affirmative.

A statement of the Greenwich Insurance Company in the city of New-York, in conformity with a resolution of the Assembly of the 8th of February, 1845, was received and read.

[See Document No. 106.]

*Ordered*, That the said report be laid on the table.

A statement of the United States Fire Insurance Company in the city of New-York, in conformity with a resolution of the Assembly of the 8th of February, 1845, was received and read.

[See Document No. 89.]

*Ordered*, That the said report be laid on the table.

By unanimous consent,

Mr. Van Valkenburgh, from the committee on railroads, to which was referred sundry petitions relative to the construction of a railroad from the city of Buffalo to the village of Hornellsville in the county of Steuben, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Van Valkenburgh accordingly brought in the said bill, entitled "An act to provide for the construction of a railroad from Buffalo to Hornellsville;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

*Ordered*, That Mr. Salisbury have leave of absence for seven days, Mr. M. Brooks for seven days, Mr. J. Young for seven days, Mr. Edwards for seven days, Mr. Blake for ten days, Mr. Casner for seven days, and Mr. Walrath for five days.

On motion of Mr. Ross,

The House then adjourned to eleven o'clock to-morrow morning.



## FRIDAY, FEBRUARY 21, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Mason.

The minutes of yesterday were read and approved.

The resolution of the board of supervisors of the county of Broome, in favor of making the district attorney of said county a salary officer, was read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the city of New-York, praying for the incorporation of the Empire Mutual Insurance Company in said city, was read, and referred to the committee on banks and insurance companies.

The petition of the board of supervisors of the county of Dutchess, praying for the passage of a law to restore the distinction between town and county poor, was read, and referred to the committee on the internal affairs of towns and counties.

The remonstrance of sundry inhabitants of the county of Chautauque, against the division of said county, was read, and referred to the committee on the erection and division of towns and counties.

The remonstrance of sundry inhabitants of the county of Chenango, against the division of said county, was read, and ordered to be laid on the table.

The remonstrance of sundry inhabitants of the counties of Chautauque and Erie, against the recharter of a toll-bridge across the Eighteen-mile creek, was read, and referred to the committee on roads and bridges.

The petition of James D. Sparkman, William Leaycraft and Samuel Cox, late trustees of school district number one in the village of Williamsburgh in the county of Kings, praying for relief, was read, and referred to the committee on colleges, academies and common schools.

The petition of Charles L. Merchant of the city of Albany, praying that he may receive his pay for printing the extra number of diagrams for the Assembly, was read.

Mr. Bailey moved that the said petition be referred to the committee on the public printing, with instructions to report on Monday next.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Bailey, and it was determined in the affirmative.

The petition of sundry inhabitants of the county of Lewis, praying for the completion of the Black River Canal, was read, and referred to the committee on canals.

Two several petitions of sundry inhabitants of the county of Albany, praying for a repeal of the law authorising railroad companies to carry freight, were read, and referred to the committee on canals.

Eleven several petitions of sundry inhabitants of the counties of Montgomery, Delaware and Schoharie, praying for a change of the law between landlord and tenant, were read, and referred to the select committee on that subject.

The petition of sundry inhabitants of the county of Madison, praying

for the passage of a law reducing the fees of lawyers, was read, and referred to the select committee on that subject.

The petition of sundry inhabitants of the county of Orange, praying for a reduction of the rate of interest to six per centum, was read, and referred to the select committee on that subject.

Five several petitions of sundry inhabitants of the counties of Otsego, Greene and Schoharie, praying for a change in the license law, were read, and referred to the committee of the whole when on the bill upon that subject.

Seven several remonstrances of sundry inhabitants of the county of Ulster, against the building of certain bridges in the towns of New-Paltz and Marbletown, by tax on said county, were read, and referred to the committee of the whole when on the bill upon that subject.

The petition of the trustees of school district number three in the town of Cherry-valley in the county of Otsego, praying for the passage of a law allowing compensation to district school librarians, was read, and referred to the committee of the whole when on the bill upon that subject.

The petition of the trustees of the Amsterdam Female Seminary, praying for a more equal distribution of the Literature Fund, was read, and referred to the committee of the whole when on the bill upon that subject.

Two several remonstrances of sundry inhabitants of the cities of Troy and New-York, against the incorporation of the American and Foreign Bible Society, were read, and referred to the committee of the whole when on the bill upon that subject.

A petition praying for the incorporation of the American and Foreign Bible Society, was read, and referred to the committee of the whole when on the bill upon that subject.

Two several petitions of sundry inhabitants of the county of Cattaraugus, praying for the passage of a law to locate the New-York and Erie railroad in the State of Pennsylvania at certain points, and to resume the construction of said road, were read, and referred to the committee of the whole when on the bill upon that subject.

By unanimous consent,

Mr. Harris moved that the engrossed bill from the Senate, entitled "An act to extend the time for the collection of taxes in the city and county of Albany," be taken from the general orders, and ordered to a third reading.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Harris, and it was determined in the affirmative.

Mr. Tefft, from the committee on claims, to which was referred the petition of Oliver Culver, for compensation for damages sustained by the diversion of the waters of the Erie Canal, reported unfavorably to the prayer of the petitioner, and offered for the consideration of the House the following resolution, to wit :

*Resolved*, That the prayer of the petitioner ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. G. Goold, from the committee on charitable and religious socie-

ties, to which was referred the petition of sundry citizens of the city of New-York, praying for the incorporation of the Domestic and Foreign Missionary Society, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. G. Gould accordingly brought in the said bill, entitled "An act to incorporate the Domestic and Foreign Missionary Society of the Protestant Episcopal Church in the United States of America;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Hervey, from the committee on charitable and religious societies, to which was referred the petition of the officers and members of the Bethel Baptist Church of Williamsburgh, Long Island, praying for a change of name, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Hervey accordingly brought in the said bill, entitled "An act to change the name of the Bethel Baptist Church in Williamsburgh;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Sweeney, from the committee on the militia and public defence, to which was referred the petition of John Whitehead, for relief, reported in writing, and asked leave to bring in a bill.

[See Document No. 93.]

Leave being granted, Mr. Sweeney accordingly brought in the said bill, entitled "An act for the relief of John Whitehead;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Thompson, from the committee on charitable and religious societies, to which was referred the petition of the managers of the New-York Institution for the Blind, praying for relief, reported in writing, and asked leave to bring in a bill.

[See Document No. 92.]

Leave being granted, Mr. Thompson accordingly brought in the said bill, entitled "An act for the relief of the New-York Institution for the Blind;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

On motion of Mr. Fonda,

*Ordered*, That five times the usual number of copies of said report be printed for the use of the Legislature.

Mr. A. H. Buell, from the committee on banks and insurance companies, to which was referred the petition of the Mercantile Mutual Insurance Company in the city of New-York, for an amendment of their charter, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. A. H. Buell accordingly brought in the said bill, entitled "An act to amend the charter of the Mercantile Mutual Insurance Company of the city of New-York;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Frisbee, from the committee on roads and bridges, to which was referred the petition of Joseph Foster, for the recharter of a toll-bridge over Eighteen-mile creek, or for relief for alleged losses sustained by him thereon, reported unfavorably to the prayer of the petitioner, and offered for the consideration of the House the following resolution :

*Resolved*, That the committee on roads and bridges be discharged from the further consideration of the petition of Joseph Foster.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Niven, from the committee on privileges and elections, to which was referred the bill entitled "An act to amend an act entitled 'An act respecting elections other than for militia and state officers,' passed April 5th, 1842," reported, that the committee had examined the said bill, made sundry amendments thereto, and, as amended, saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Fonda, from the committee on the militia and public defence, to which was referred the resolution offered by Mr. Coe, relative to expenses incurred by the militia ordered to Hudson in December 1844 and January 1845, submitted a written report.

{ See Document No. 86. }

*Ordered*, That the said report be laid on the table.

By unanimous consent,

Mr. Bevins asked for and obtained leave to bring in a bill, entitled "An act to extend the time for the collection of taxes in the town of Root, Montgomery county, for the year 1844;" which was read the first time, and by unanimous consent was also read a second time, and, on motion of Mr. Bevins, ordered to be engrossed for a third reading.

The engrossed bill from the Senate, entitled "An act to extend the time for the collection of taxes in the city and county of Albany," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to extend the time for the collection of taxes in the town of Root in the county of Montgomery, for the year 1844," and found the same correctly engrossed.

*Ordered*, That the said bill do have its third reading.



Whereupon,

The said engrossed bill was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. C. F. Crosby offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the committee having in charge the resolutions in relation to the annexation of Texas, be, and are hereby ordered to report on Tuesday next.

Mr. Bailey moved to lay the said resolution on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Bailey, and it was determined in the affirmative.

{ AYES 52 }  
{ NAYS 43 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |                  |             |
|-----------------|------------------|-------------|
| Mr. Bachman     | Mr. D. Gould     | Mr. Newkirk |
| Mr. Bagg        | Mr. Gregory      | Mr. Niven   |
| Mr. Bailey      | Mr. Hall         | Mr. Oakley  |
| Mr. Bevens      | Mr. Harden       | Mr. Pardee  |
| Mr. Billings    | Mr. Hazelton     | Mr. Pierce  |
| Mr. Boughton    | Mr. Hervey       | Mr. Rogers  |
| Mr. J. Brooks   | Mr. Hine         | Mr. Ross    |
| Mr. L. H. Brown | Mr. Howard       | Mr. Sager   |
| Mr. A. H. Buel  | Mr. Jones        | Mr. Searing |
| Mr. Burdick     | Mr. Kinne        | Mr. Sears   |
| Mr. Carpenter   | Mr. Knapp        | Mr. Skelton |
| Mr. Chase       | Mr. M'Carthy     | Mr. Speaker |
| Mr. Comstock    | Mr. M'Donald     | Mr. Tefft   |
| Mr. Constant    | Mr. M'Key        | Mr. Thayer  |
| Mr. Dayton      | Mr. Mather       | Mr. Titus   |
| Mr. Dickson     | Mr. C. B. Miller | Mr. Tuthill |
| Mr. Fellows     | Mr. S. Miller    | Mr. Wheeler |
| Mr. Fonda       |                  |             |

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Those who voted in the negative are

|                 |                |                  |
|-----------------|----------------|------------------|
| Mr. Barber      | Mr. Garretson  | Mr. Raymond      |
| Mr. Betts       | Mr. G. Goold   | Mr. Rice         |
| Mr. Blake       | Mr. Hannum     | Mr. Sherman      |
| Mr. Bloss       | Mr. Harris     | Mr. Spring       |
| Mr. Bowen       | Mr. Heermans   | Mr. J. Stevenson |
| Mr. S. A. Brown | Mr. Hunt       | Mr. Sweeney      |
| Mr. T. Buel     | Mr. Huntington | Mr. Thompson     |

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Coe          | Mr. Jarvis     | Mr. Tibbits         |
| Mr. Collins      | Mr. Johnson    | Mr. Van Schoonhoven |
| Mr. C. F. Crosby | Mr. D. Lee     | Mr. Wells           |
| Mr. E. Crosby    | Mr. Litchfield | Mr. White           |
| Mr. Culver       | Mr. Long       | Mr. Wilcox          |
| Mr. Dewey        | Mr. M'Vean     | Mr. Worden          |
| Mr. Fenn         | Mr. Mann       | Mr. A. W. Young     |
| Mr. Frisbee      |                |                     |

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By unanimous consent,

Mr. Fonda moved that the committee on the militia and the public defence be discharged from the further consideration of the engrossed bill from the Senate, entitled "An act to pay the militia called into service in December 1844 and January 1845, and for other purposes," and that the same be referred to the committee of the whole when on the message of the Governor.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Fonda, and it was determined in the affirmative.

The hour of twelve o'clock at noon having arrived, Mr. Speaker announced the special order of the House, being the consideration of the amendments to the Constitution agreed upon by the last Legislature, together with the resolutions severally agreeing thereto, reported by the select committee of this house on said amendments.

Mr. Coe moved to lay the special order on the table until Monday next.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Coe, and it was determined in the negative.

{ AYES 32 }  
{ NAYS 60 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Barber      | Mr. C. F. Crosby | Mr. Johnson         |
| Mr. Betts       | Mr. E. Crosby    | Mr. Litchfield      |
| Mr. Blake       | Mr. Culver       | Mr. Morrison        |
| Mr. Bloss       | Mr. Dewey        | Mr. Rice            |
| Mr. Bowen       | Mr. Frisbee      | Mr. Spring          |
| Mr. J. Brooks   | Mr. Garretson    | Mr. Van Schoonhoven |
| Mr. S. A. Brown | Mr. G. Gould     | Mr. Wells           |
| Mr. T. Buel     | Mr. Hannum       | Mr. White           |
| Mr. Bush        | Mr. Harris       | Mr. Worden          |
| Mr. Coe         | Mr. Heermans     | Mr. A. W. Young     |
| Mr. Collins     | Mr. Jarvis       |                     |

32

Those who voted in the negative are

|                 |                  |                  |
|-----------------|------------------|------------------|
| Mr. Bagg        | Mr. Hervey       | Mr. Pardee       |
| Mr. Bailey      | Mr. Hine         | Mr. Pierce       |
| Mr. Billings    | Mr. Howard       | Mr. Raymond      |
| Mr. Boughton    | Mr. Hunt         | Mr. Rogers       |
| Mr. L. H. Brown | Mr. Jones        | Mr. Sager        |
| Mr. A. H. Buell | Mr. Kinne        | Mr. Searing      |
| Mr. Bunker      | Mr. Knapp        | Mr. Sears        |
| Mr. Burdick     | Mr. D. Lee       | Mr. Skelton      |
| Mr. Carpenter   | Mr. Long         | Mr. A. C. Smith  |
| Mr. Chase       | Mr. M'Carthy     | Mr. Speaker      |
| Mr. Comstock    | Mr. M'Donald     | Mr. J. Stevenson |
| Mr. Constant    | Mr. M'Key        | Mr. Sweeney      |
| Mr. Dayton      | Mr. M'Vean       | Mr. Tefft        |
| Mr. Dickson     | Mr. Mann         | Mr. Thayer       |
| Mr. Fellows     | Mr. C. B. Miller | Mr. Thompson     |
| Mr. D. Gould    | Mr. S. Miller    | Mr. Tibbits      |
| Mr. Gregory     | Mr. Moulton      | Mr. Titus        |
| Mr. Hall        | Mr. Newkirk      | Mr. Tuthill      |
| Mr. Harden      | Mr. Niven        | Mr. Wheeler      |
| Mr. Hazelton    | Mr. Oakley       | Mr. Wilcox       |

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The House then again resolved itself into a committee of the whole, on the said amendments to the Constitution ; and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Constant, from the said committee, reported progress, and asked for and obtained leave to sit again.

On motion of Mr. Morrison,

*Resolved*, That the concurrent resolutions in relation to the New-York and Erie Railroad Company be referred back to the committee on railroads, without losing their place on the general orders.

Mr. Niven offered for the consideration of the House a preamble and resolution, in the words following, to wit :

WHEREAS it appears from a memorial presented to this House by the Delaware and Hudson Canal Company, that such company is largely indebted to the State of New-York ; and that its ability to meet its engagements to the State depends on its being permitted to carry on its regular business, undisturbed by the operations of the New-York and Erie Railroad Company :

Therefore,

*Resolved*, That the Comptroller be respectfully requested to furnish to the Assembly a statement, showing the amount of the indebtedness of these companies respectively to this State ; and also whether said companies, or either of them, have paid the interest on their indebtedness to the State.

*Ordered*, That the said resolution be laid on the table.

The Chair announced the appointment of a select committee on the bill entitled "An act for the reduction of interest, and to prevent usury," to consist of Mr. Niven, Mr. Mather, Mr. Bush, Mr. Hannum and Mr. M'Carthy.

Mr. Wheeler offered for the consideration of the House a preamble and resolution, in the words following, to wit :

WHEREAS the object of a republican government is to give to the people the greatest security for life, liberty and property ; and these are made more valuable by a freedom from unnecessary restraint, a permanence to the fluctuations of trade, regularity in prices of labor and the products of the soil :

And whereas by the late treaty with China, and the improvements in the science of navigation and the arts, our commerce is rapidly approaching in extent to that of the greatest commercial nation in the world :

And whereas the capital of the country is very much lessened in its legitimate objects by the effects of the present commercial laws of the nation, and in many ways made the lever for unjust and improper legislation :

Therefore,

*Resolved*, (if the Senate concur,) That our senators in Congress be instructed, and our representatives in Congress be earnestly requested, to use their best efforts to obtain the passage of a bill which shall create for the United States a system of governmental storage and deposit, usually called a governmental warehousing system, liberal in its provisions, and consistent with the interest of each and all the sovereign States of the Union.

*Ordered*, That the said resolution be laid on the table.

Mr. J. Brooks offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the committee on agriculture be directed to inquire into the probable amount of land taken up by highways in this State ; the value of the same for pasture ; and the policy and constitutionality of the law providing that cattle may go at large upon the same.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the negative.

Mr. L. H. Brown offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That this House will meet, on Monday the twenty-fourth instant, at ten o'clock in the forenoon ; and that ten o'clock shall be the hour of meeting hereafter, until a different order be taken by the house.

Mr. Van Schoonhoven moved to amend the said resolution, by adding the words "and the House will adjourn at a quarter before two."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Van Schoonhoven, and it was determined in the affirmative.

Thereupon,

*Ordered*, That the said resolution be laid on the table.

On motion of Mr. Titus,

*Resolved*, That the papers and petitions presented to this House at the present session, asking for an amendment or a repeal of the act passed at the last session, granting to railroad companies the privilege of carrying freight, and referred, be returned to the house, and referred to the committee on canals.



Mr. Comstock moved that the committee on the judiciary be discharged from the further consideration of the bill to amend the charter of the city of Rochester, and that the same be referred to the committee on the incorporation of cities and villages.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Comstock, and it was determined in the affirmative.

The House then proceeded to the consideration of the resolution heretofore offered by Mr. Coe, in the words following, to wit :

*Resolved*, That when this House adjourns on the twenty-first instant, it will adjourn to meet at ten o'clock in the forenoon on the twenty-fourth ; and that after the twenty-fourth, ten o'clock in the forenoon shall be the hour of meeting.

Mr. Van Schoonhoven moved to amend the said resolution, by adding the words "that the House will adjourn at a quarter before two."

Debates were had thereon ; when

Mr. Bailey called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Whereupon,

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

A communication from H. P. Peet was received and read, in the words following, to wit :

CONGRESS HALL, }  
Albany, February 21, 1845. }

Mr. Peet, Principal of the New-York Institution for the Instruction of the Deaf and Dumb, would respectfully invite the officers and members of the Assembly to attend an exhibition of a select number of his pupils, to be held in the Assembly chamber this evening at seven o'clock.

Will the Speaker be so kind as to convey to the House the foregoing notice.

A statement of the City Fire Insurance Company in the city of New-York, in conformity with a resolution of the Assembly of the eighth of February, 1845, was received and read.

[See Document No. 115.]

*Ordered*, That the said report be laid on the table.

A statement of the New-York Guardian Insurance Company in the city of New-York, in conformity with a resolution of the Assembly of the eighth of February, 1845, was received and read.

[See Document No. 119.]

*Ordered*, That the said report be laid on the table.

A statement of the Merchants' Fire Insurance Company in the city of New-York, in conformity with a resolution of the Assembly of the eighth of February, 1845, was received and read.

[See Document No. 143.]

*Ordered*, That the said report be laid on the table.

The annual report of the Seamen's Bank for Savings, relative to deposits, was received and read.

[See Document No. 167.]

*Ordered*, That the said report be laid on the table.

A statement of the Commissary General, in answer to a resolution of the Assembly of the fifteenth of February, 1845, relative to expenses incurred by the troops ordered to Hudson in December 1844 and January 1845, was received and read.

[See Document No. 87.]

*Ordered*, That the said report be referred to the committee on the militia and public defence.

A communication from the Comptroller was received and read, in the words following, to wit :

COMPTROLLER'S OFFICE, }  
Albany, February 21, 1845. }

TO THE SPEAKER OF THE ASSEMBLY.

SIR,

The forty-fifth section of title ninth of chapter ninth, part first of the Revised Statutes, requires the Comptroller to report at the close of each fiscal year, the sums paid during the year, "to all contractors, engineers, agents and servants of every description, employed on the canals, and all persons having received a compensation for damages," and the names of such persons ; which report for the last year, ending on the thirtieth September 1844, is herewith submitted.

A considerable portion of the report is made up of a mere transcript from the ledger in the Canal Department, of the sums paid during the year to contractors, giving the name of the contractor, the section of the canal or other work, and the amount in each case. The aggregate of these sums is given in the report of the Commissioners of the Canal Fund, and also in the report of the Canal Commissioners.

The items of all expenditures by the Canal Commissioners and the engineers are also embraced in the report now presented ; and there are also several interesting tables, showing the cost of the engineer department, a classification of the expenditures by canal superintendents for the fiscal year, and the average cost per mile for maintaining the several canals from 1826 to 1843 inclusive.

Respectfully your obedient servant,

A. C. FLAGG.

[See Document No. 162.]

*Ordered*, That the said report be referred to the committee on the public printing.

On motion of Mr. Van Schoonhoven,

The House then adjourned to ten o'clock on Monday morning next.

## MONDAY, FEBRUARY 24, 1845.

The House met pursuant to adjournment.

The minutes of Friday were read and approved.

The petition of sundry inhabitants of the county of Albany, praying for an increase of the compensation of jurors and witnesses in the said county, was read, and referred to the committee on the judiciary.

The remonstrance of sundry inhabitants of the city of Albany, against the passage of the bill relative to the police justice of the said city, was read, and referred to the committee on the judiciary.

The remonstrance of sundry inhabitants of the county of Ulster, against the passage of a law to prevent fishing with drift nets, was read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the eighth senatorial district, praying for the passage of a law prohibiting masters in chancery from selling real estate out of the county in which they reside, was read, and referred to the committee on the judiciary.

The resolutions adopted at a town meeting held in the town of Vernon in the county of Oneida, praying that the district attorney of the said county may be made a salaried officer, were read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the county of Cattaraugus, praying for the passage of a law more effectually to prevent the cutting of timber upon uncultivated land, was read, and referred to the committee on the judiciary.

Two several petitions of sundry inhabitants of the counties of Wayne and Niagara, praying for the passage of a law equalizing the tolls upon the canals, were read, and referred to the committee on canals.

Four several remonstrances of sundry inhabitants of the counties of Oneida, Niagara and Jefferson, against the adoption of discriminating duties on the State canals, were read, and referred to the committee on canals.

Four several petitions of sundry inhabitants of the counties of Montgomery, Lewis and Jefferson, praying for the speedy completion of the Black River Canal, were read, and referred to the committee on canals.

The petition of sundry inhabitants of the county of Steuben, praying for an appropriation for repairs on the Crooked Lake Canal, was read, and referred to the committee on canals.

The petition of sundry inhabitants of the county of Cattaraugus, praying for the completion of work on the Genesee Valley Canal, was read, and referred to the committee on canals.

The petition of sundry inhabitants of the county of Cattaraugus, praying for the passage of a law to enable the New-York and Erie Railroad Company to complete their road, was read, and referred to the committee on railroads.

The remonstrance of sundry inhabitants of the city of Rochester, against the passage of an act to authorise the common council of said



city to raise and pay the deficiency in the expense of constructing Buel avenue, was read, and referred to the committee on the internal affairs of towns and counties.

The petition of the board of supervisors of the county of Westchester, praying for the passage of a law to classify superintendents of the poor, was read, and referred to the committee on the internal affairs of towns and counties.

The petition of the board of supervisors of the county of Dutchess, praying for the passage of a law to restore the distinction between town and county poor, was read, and referred to the committee on the internal affairs of towns and counties.

The petition of sundry inhabitants of the counties of Erie and Cattaraugus, praying for the passage of a law requiring the owners of mill-dams across the Cattaraugus creek to construct such aprons as will enable fish to ascend fifteen miles from the mouth of said creek, was read, and referred to the committee on the internal affairs of towns and counties.

The petition of the Auburn Guards, praying for an appropriation of the sum of two hundred and fifty dollars, for the purpose of constructing an armory for their use, was read, and referred to the committee on the militia and public defence.

Three several petitions of sundry inhabitants of the counties of Allegany, Chautauque and Oneida, praying for the passage of a law to abolish the office of county superintendent of common schools, were read, and referred to the committee on colleges, academies and common schools.

The petition of the trustees of the school district in the town of Southampton in the county of Suffolk, embracing the Shinecock tribe of Indians, praying for the revival of the law appropriating the sum of eighty dollars per year for the support of a school among said Indians, was read, and referred to the committee on expiring laws.

The petition of sundry inhabitants of the county of Steuben, praying for the incorporation of the Urbana Woolen Manufacturing Company, was read, and referred to the committee on trade and manufactures.

The petition of Charles Horton of the county of Monroe, praying for relief from canal damages, was read, and referred to the committee on claims.

The petition of the Seneca nation of Indians in the county of Erie, praying for the passage of a law requiring the assent of two-thirds of their nation to alienate their land, was read, and referred to the committee on indian affairs.

The petition of sundry inhabitants of the county of Monroe, praying for the renewal of the charter of the Bank of Rochester, was read, and referred to the committee on banks and insurance companies.

Two several petitions of sundry inhabitants of the county of Otsego, praying for the passage of a law requiring the banks of this State to redeem their notes at par in Albany and New-York, were read, and referred to the committee on banks and insurance companies.

The petition of James Martin and others of the county of Oswego,



praying for a release of certain escheated lands, was read, and referred to the committee on the petitions of aliens.

Two several petitions of sundry inhabitants of the county of Ulster, praying for a division of the town of New-Paltz in said county, were read, and referred to the committee on the erection and division of towns and counties.

Three several remonstrances of sundry inhabitants of the county of Ulster, against any division of the town of Shawangunk in said county, were read, and referred to the committee on the erection and division of towns and counties.

The remonstrance of sundry inhabitants of the county of Chautauque, against the division of said county, was read, and referred to the committee on the erection and division of towns and counties.

The remonstrance of sundry inhabitants of the county of Erie, against any division of said county, was read, and referred to the committee on the erection and division of towns and counties.

The petition of the vestry and wardens of Christ's Church in the town of Rye in the county of Westchester, praying for the passage of an act empowering them to sell certain real estate, was read, and referred to the committee on charitable and religious societies.

Two several remonstrances of sundry inhabitants of the county of Westchester, against the laying out of a new road through the towns of Somers and Yorktown in said county, were read, and referred to the committee on roads and bridges.

Two several petitions of sundry inhabitants of the county of Ulster, praying for the incorporation of the New-Paltz and Rosendale Turnpike Company, were read, and referred to the committee on roads and bridges.

The remonstrance of sundry inhabitants of the city of New-York, against increasing the tax on foreign insurance companies, was read, and ordered to be laid on the table.

Seventeen several petitions of sundry inhabitants of the counties of Columbia, Schoharie, Albany and Ulster, praying for a change of the law respecting landlord and tenant, were read, and referred to the select committee on that subject.

The petition of sundry inhabitants of the county of Monroe, praying for the passage of a law to punish licentiousness, was read, and referred to the select committee on that subject.

Four several petitions of sundry inhabitants of the counties of Cattaraugus, Broome and Chemung, praying for the repeal of the law passed at the last session, respecting costs and fees in courts of record, were read, and referred to the select committee on that subject.

The petition of sundry inhabitants of the county of Ulster, praying for a reduction of the legal rate of interest to six per centum, was read, and referred to the select committee on that subject.

Eight several petitions of sundry inhabitants of the counties of Oneida, Monroe, Oswego, Otsego, Albany, Westchester and Cattaraugus, praying for a change in the license law, were read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry ladies of the county of Westchester, praying for the passage of a penal law to suppress licentiousness, was read, and referred to the select committee on that subject.

The remonstrance of sundry boatmen and others, against widening the dock in the city of Albany, was read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of three hundred and fifteen inhabitants of the town of Westchester in the county of Westchester, against the passage of the bill for the relief of the said town, was read, and referred to the committee of the whole when on the said bill.

Two several petitions of sundry inhabitants of the counties of Tioga and Cattaraugus, praying for the passage of a law to change the location of the New-York and Erie railroad at certain points, were read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of sundry inhabitants of the county of Broome, against any part of the New-York and Erie railroad being located out of the State, was read, and referred to the committee of the whole when on the bill upon that subject.

Five several petitions of sundry inhabitants of the counties of Erie, Allegany and Wyoming, praying for the construction of a railroad from the village of Attica in the county of Wyoming, to the village of Hornellsville in the county of Steuben, were read, and referred to the committee of the whole when on the bill upon that subject.

Mr. Tefft, from the committee on claims, to which was referred the petition of Asaph Seymour and others, for relief, reported in writing, and asked leave to bring in a bill.

[See Document No. 121.]

Leave being granted, Mr. Tefft accordingly brought in the said bill, entitled "An act for the relief of Asaph Seymour and others;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Tefft, from the committee on claims, to which was referred the petition of Henry Rector, for compensation for services rendered by him as architect in the building of the New State Hall, reported in writing, and concluded by offering the following resolution, to wit :

*Resolved*, That the committee on claims be discharged from the further consideration of the petition of Henry Rector.

[See Document No. 97.]

On motion of Mr. Harris,

*Ordered*, That the said report and resolution be laid on the table.

Mr. Sears, from the committee on canals, to which was referred the petition of John Van Eps, for relief, reported unfavorably to the prayer of the petitioner, and offered for the consideration of the House the following resolution, to wit :

*Resolved*, That the prayer of the petitioner ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Hine, from the committee on the erection and division of towns and counties, to which was referred the petition of sundry inhabitants

of the town of Burns in the county of Allegany, praying for the annexation of a part of said town to the town of Almond, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Hine accordingly brought in the said bill, entitled "An act to annex a part of the town of Almond to the town of Burns ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Hine, from the committee on the erection and division of towns and counties, to which was referred the petition of sundry inhabitants of the town of New-Paltz in the county of Ulster, praying for a division of said town, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Hine accordingly brought in the said bill, entitled "An act to divide the town of New-Paltz ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Tuthill, from the committee on roads and bridges, to which was referred the petitions of sundry inhabitants of the county of Warren, praying for the passage of an act declaring Trout brook to be a public highway, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Tuthill accordingly brought in the said bill, entitled "An act declaring a part of that branch of the Hudson river, known as Trout brook, a public highway ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. A. H. Buell, from the committee on banks and insurance companies, to which was referred the petition of sundry citizens of the city of New-York, for the incorporation of the People's Mutual Insurance Company in said city, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. A. H. Buell accordingly brought in the said bill, entitled "An act to incorporate the People's Mutual Insurance Company of New-York ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. A. H. Buell, from the committee on banks and insurance companies, to which was referred the petition of Silas K. Everett and others, for the incorporation of the Security Mutual Insurance Company in the city of New-York, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. A. H. Buell accordingly brought in the said bill, entitled "An act to incorporate the Security Mutual Insurance Company in the city of New-York ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Raymond, from the minority of the committee on the erection and division of towns and counties, to which was referred the several petitions for and remonstrances against the erection of a new county



from parts of the counties of Delaware, Otsego and Chenango, to be called Unadilla, asked leave to submit a report in writing.

Mr. Speaker put the question whether the House would grant the leave asked, and it was determined in the affirmative.

Mr. Raymond accordingly submitted the said report, and asked leave to introduce a bill, entitled "An act for the erection of a new county, to be called Unadilla, from parts of Otsego, Chenango and Delaware counties, with the seat of justice at Unadilla."

[See Document No. 107.]

Mr. M'Donald moved to lay the said request on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. M'Donald, and it was determined in the negative.

Mr. Speaker then put the question whether the House would grant the leave asked, and it was determined in the negative.

A statement of the Jefferson Insurance Company in the city of New-York, in conformity with a resolution of the Assembly of the eighth of February, 1845, was received and read.

[See Document No. 100.]

*Ordered*, That the said report be laid on the table.

A communication from the president of the board of governors of the New-York Hospital, was received and read, in the words following :

*New-York, February 18, 1845,*

SIR,

I have the honor to transmit to you, with this, the annual report of the governors of the New-York Hospital, to the Legislature ; and I respectfully request that you will be pleased to lay the same before the Assembly.

I am, very respectfully,

Your obedient servant,

GEORGE NEWBOLD, *President*  
*of the Board of Governors of the New-York Hospital.*

HON. HORATIO SEYMOUR, *Speaker of the Assembly, Albany.*

[See Document No. 176.]

*Ordered*, That the said report be laid on the table.

A communication from Alexander Vattermare of Paris, relative to international exchanges, was received and read.

*Ordered*, That the said communication be referred to the joint library committee.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act to extend the time for the collection of taxes in the town of Root in the county of Montgomery, for the year 1844," without amendment.



*Ordered*, That the Clerk deliver the said bill to the Governor.

The House then again resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled "An act to pay the militia called into service in December 1844 and January 1845, and for other purposes ;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. E. Crosby, from the said committee, reported progress, and asked for and obtained leave to sit again.

The House then again resolved itself into a committee of the whole, on the amendments to the Constitution agreed upon by the last Legislature, together with the resolutions severally agreeing thereto, reported by the select committee on the said amendments ; and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Constant, from the said committee, reported progress, and asked for and obtained leave to sit again.

The House then resolved itself into a committee of the whole, on the bill entitled "An act extending an act for the relief of the New-York Institution for the instruction of the deaf and dumb ;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. T. R. Lee, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment ; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

The report of the Canal Commissioners, on the resolution of the Assembly of the 17th of February, 1845, was received and read.

[See Document No. 101.]

*Ordered*, That the said report be laid on the table.

The report of the Canal Board, on the reference from the Assembly of the petition of John Burch, was received and read.

[See Document No. 102.]

*Ordered*, That the said report be referred to the committee on claims.

On motion of Mr. Coe,

The House then adjourned to ten o'clock to-morrow morning.

## TUESDAY, FEBRUARY 25, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Cooley.

The minutes of yesterday were read and approved.

The petition of sundry inhabitants of the village of West-Troy in the county of Albany, praying for the passage of a law authorising the appointment of a police justice for said village, was read, and referred to the committee on the judiciary.

The resolutions adopted at a town meeting held in the town of Paris in the county of Oneida, in relation to the judiciary system of this State, were read, and referred to the committee on the judiciary.

The petition of Elisha Morrell of the city of New-York, praying for a portion of the proceeds of certain lands in said city, escheated to the people of this State, was read, and referred to the committee on the petitions of aliens.

The petition of the board of supervisors of the county of Dutchess, praying for the passage of a law to restore the distinction between town and county poor, was read, and referred to the committee on the internal affairs of towns and counties.

Three several petitions of sundry inhabitants of the city of Rochester, praying for the passage of a law to renew the charter of the Bank of Rochester, were read, and referred to the committee on banks and insurance companies.

The petition of sundry inhabitants of this State, praying for an alteration of the laws regulating the taxation of banks, was read, and referred to the committee on banks and insurance companies.

The petition of sundry inhabitants of the county of Otsego, praying for the passage of a law compelling the banks of this State to redeem their notes at par in the city of New-York, was read, and referred to the committee on banks and insurance companies.

The resolutions adopted at a public meeting held at Fishkill landing in the county of Dutchess, praying for the passage of a law authorising a road to be made through the Highlands by convict labor, were read, and referred to the committee on railroads.

The petition of William Ledyard and John B. Matthews, praying for compensation for work done on the Erie Canal, was read, and referred to the committee on claims.

The petition of sundry inhabitants of the county of Ulster, praying for the passage of a law to equalize the valuation of real estate, was read, and referred to the committee on ways and means.

The memorial of the trustees of the Episcopal Fund, praying for an act of incorporation, was read, and referred to the committee on charitable and religious societies.

The petition of sundry inhabitants of the city of Buffalo, praying for the passage of a law granting some relief to the indigent families, the heads of which have been sent to State prisons, was read, and referred to the committee on charitable and religious societies.

The petition of two hundred and three inhabitants of the county of Chautauque, praying that the law making certain crimes punishable with death, may be repealed, and that a milder punishment may be substituted, was read, and referred to a select committee.

Two several petitions of sundry inhabitants of the counties of Allegany and Columbia, praying that the office of county superintendent of common schools may be abolished, were read, and referred to the committee on colleges, academies and common schools.

Two several petitions of sundry inhabitants of the county of Westchester, praying for the passage of a law to make common schools free, were read, and referred to the committee on colleges, academies and common schools.

The petition of sundry inhabitants of the town of Spencertown in the county of Columbia, praying for the incorporation of an academy in the said town, was read, and referred to the committee on colleges, academies and common schools.

The petition of sundry inhabitants of the county of Orange, praying for a revision of the laws in relation to the system of education in this State, was read, and referred to the committee on colleges, academies and common schools.

Three several remonstrances of sundry inhabitants of the county of Chautauque, against any and all division of said county, were read, and referred to the committee on the erection and division of towns and counties.

The petition of sundry inhabitants of the town of New-Paltz in the county of Ulster, praying for a division of said town, was read, and referred to the committee on the erection and division of towns and counties.

The petition of sundry inhabitants of the fifth ward of the city of Troy, praying for the annexation of a part of said city to the town of Brunswick, was read, and referred to the committee on the erection and division of towns and counties.

The petition of the trustees of the Plattsburgh Academy, praying for a more equal distribution of the Literature Fund, was read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Ulster, praying for a reduction of the rate of interest to six per centum, was read, and referred to the select committee on that subject.

Seven several remonstrances of sundry inhabitants of the counties of Essex, Erie, Washington, Albany and Rensselaer, against the incorporation of the American and Foreign Bible Society, were read, and referred to the committee of the whole when on the bill upon that subject.

Three several petitions of sundry inhabitants of the counties of Dutchess and Orleans, praying for a reduction of lawyers' fees, were read, and referred to the select committee on that subject.

Four several petitions of sundry inhabitants of the counties of Jefferson and Lewis, praying for the completion of the Black River Canal, were read, and referred to the committee on canals.

Two several petitions of sundry inhabitants of the counties of Monroe and Orleans, praying for the passage of a law to increase the revenue,

by discriminating the tolls on the Erie and Oswego canals, were read, and referred to the committee on canals.

Two several remonstrances of sundry inhabitants of the counties of Niagara and Onondaga, against a discrimination of tolls between the Erie and Oswego canals, were read, and referred to the committee on canals.

The petition of sundry inhabitants of the county of Allegany, praying for the completion of the works on the Genesee Valley Canal, was read, and referred to the committee on canals.

The petition of sundry inhabitants of the county of Saratoga, praying for a reduction of tolls on the Erie Canal, was read, and referred to the committee on canals.

The petition of sundry inhabitants of the village of Greenbush in the county of Rensselaer, praying for the incorporation of the Troy and Greenbush Railroad Association, was read, and referred to the committee of the whole when on the bill upon that subject.

Twenty-one several petitions of sundry inhabitants of the counties of Delaware, Columbia, Albany, Schoharie and Rensselaer, praying for an alteration of the law respecting landlord and tenant, were read, and referred to the select committee on that subject.

Six several petitions of sundry inhabitants of the counties of Cattaraugus, Chemung and New-York, praying for the passage of an act authorising the New-York and Erie Railroad Company to locate certain portions of their road out of the State, were read, and referred to the committee of the whole when on the bill upon that subject.

Five several remonstrances of sundry inhabitants of the counties of Broome, Otsego, Sullivan and Orange, against allowing the New-York and Erie Railroad Company to locate any portion of their road out of the State, were read, and referred to the committee of the whole when on the bill upon that subject.

Nine several petitions of sundry inhabitants of the counties of Albany, Cayuga, Saratoga, Montgomery, Otsego, Oneida and Schenectady, praying for an alteration of the excise law, were read, and referred to the committee of the whole when on the bill upon that subject.

Three several petitions of sundry inhabitants of the counties of Rensselaer, Wyoming and Madison, praying for the passage of a law to suppress licentiousness, were read, and referred to the select committee on that subject.

The petition of sundry inhabitants of the county of Wyoming, praying for the incorporation of a company to construct a railroad from Attica to Hornellsville, was read, and referred to the committee of the whole when on the bill upon that subject.

By unanimous consent,

Mr. T. R. Lee moved that the committee on the judiciary be discharged from the further consideration of the petition of sundry inhabitants of the village of Madison and its vicinity, praying for the repeal or modification of the usury law, and that the same be referred to the select committee on that subject.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. T. R. Lee, and it was determined in the affirmative.



Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act extending an act for the relief of the New-York Institution for the instruction of the deaf and dumb," and found the same correctly engrossed.

*Ordered,* That the said bill do have its third reading.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the bill entitled "An act further to amend the act entitled 'An act relative to the city of Albany,' passed April 16th, 1842," with instructions to report the same complete, reported, that the committee had gone through the said bill, made sundry amendments thereto, and, as amended, saw no reason why the same should not be passed into a law.

The said amendments having been read,

*Ordered,* That the said bill be engrossed for a third reading.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the bill entitled "An act to confirm the official acts of Birdseye Norton, a justice of the peace," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered,* That the said bill be committed to a committee of the whole house.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the bill entitled "An act concerning attachments against absconding, concealed and non-resident debtors," reported, that the committee had examined the said bill, made sundry amendments thereto, and, as amended, saw no reason why the same should not be passed into a law.

*Ordered,* That the said bill be committed to a committee of the whole house.

Mr. Sweeney, from the committee on expiring laws, to which was referred the petition of the Shinecock Indians, relative to an appropriation for a common school, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Sweeney accordingly brought in the said bill, entitled "An act to revive an act for the relief of the Shinecock tribe of Indians, passed April 19th, 1831;" which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. Dayton,

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Hine, from the committee on the erection and division of towns and counties, to which was referred the petition of sundry inhabitants of the town of Cherry-valley in the county of Otsego, for a division of said town, reported unfavorably to the prayer of the petitioners, and offered for the consideration of the House the following resolution:

*Resolved,* That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

A message from the Governor was received and read, in the words following, to wit:

EXECUTIVE CHAMBER, }  
Albany, February 24, 1845. }

TO THE ASSEMBLY.

I have this day approved and signed the bill entitled "An act to extend the time for the collection of taxes in the town of Root in the county of Montgomery, for the year 1844."

SILAS WRIGHT.

A statement of the New-York Contributionship Insurance Company, in conformity with a resolution of the Assembly of the 8th February, 1845, was received and read.

[See Document No. 98.]

*Ordered*, That the said report be laid on the table.

The engrossed bill entitled "An act extending an act for the relief of the New-York Institution for the instruction of the deaf and dumb," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The House then proceeded to the consideration of the resolution heretofore offered by Mr. D. Lee, in the words following, to wit :

*Resolved*, That the select committee to which was referred the resolutions and other papers relating to the annexation of Texas, be instructed to report the same to the House, when the reports of select committees shall be in order on Monday next.

The said resolution being under consideration, Mr. D. Lee amended the same, by striking out "Monday" and inserting "Wednesday."

Debates were had on the said resolution.

Mr. Bailey moved to lay the resolution on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Bailey, and it was determined in the affirmative.

{ AYES 49 }  
{ NAYS 48 }

The ayes and nays being required by ten members,

'Those who voted in the affirmative are

Mr. Bachman  
Mr. Bagg  
Mr. Bailey  
Mr. Bevens  
Mr. Billings  
Mr. J. Brooks  
Mr. L. H. Brown  
Mr. A. H. Buel

Mr. Fonda  
Mr. D. Gould  
Mr. Gregory  
Mr. Hall  
Mr. Harden  
Mr. Hazelton  
Mr. Hervey  
Mr. Hine

Mr. S. Miller  
Mr. Pardee  
Mr. Pierce  
Mr. Rogers  
Mr. Russell  
Mr. Searing  
Mr. Skelton  
Mr. A. C. Smith

|               |               |              |
|---------------|---------------|--------------|
| Mr. Bunker    | Mr. Howard    | Mr. Speaker  |
| Mr. Carpenter | Mr. Kinne     | Mr. Tefft    |
| Mr. Chase     | Mr. Knapp     | Mr. Thayer   |
| Mr. Comstock  | Mr. T. R. Lee | Mr. Thompson |
| Mr. Constant  | Mr. M'Carthy  | Mr. Titus    |
| Mr. Danforth  | Mr. M'Donald  | Mr. Tuthill  |
| Mr. Dayton    | Mr. M'Key     | Mr. Walrath  |
| Mr. Dickson   | Mr. Mersereau | Mr. Whitney  |
| Mr. Fellows   |               |              |

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Those who voted in the negative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Barber       | Mr. Giffard    | Mr. Oakley          |
| Mr. Betts        | Mr. G. Goold   | Mr. Raymond         |
| Mr. Bloss        | Mr. Hannum     | Mr. Rice            |
| Mr. Bowen        | Mr. Harris     | Mr. Ross            |
| Mr. S. A. Brown  | Mr. Heermans   | Mr. Spring          |
| Mr. T. Buel      | Mr. Hunt       | Mr. J. Stevenson    |
| Mr. Bush         | Mr. Huntington | Mr. Sweeney         |
| Mr. Coe          | Mr. Jarvis     | Mr. Tibbits         |
| Mr. C. F. Crosby | Mr. Johnson    | Mr. Van Schoonhoven |
| Mr. E. Crosby    | Mr. D. Lee     | Mr. Wells           |
| Mr. Culver       | Mr. Long       | Mr. Wheeler         |
| Mr. Dewey        | Mr. M'Vean     | Mr. White           |
| Mr. Edwards      | Mr. Mann       | Mr. Worden          |
| Mr. Field        | Mr. Morrison   | Mr. Wyckoff         |
| Mr. Frisbee      | Mr. Moulton    | Mr. Wynant          |
| Mr. Garretson    | Mr. Niven      | Mr. A. W. Young     |

48

Mr. Worden offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the resolutions offered by Mr. Niven, relative to Texas, be taken from the select committee to whom they were referred, and referred to the committee of the whole house, and made the special order for to-morrow at twelve o'clock.

*Ordered*, That the said resolution be laid on the table.

Mr. T. R. Lee called for the consideration of the resolution heretofore offered by him, in the words following, to wit :

*Resolved*, (if the Hon. the Senate concur,) That the two Houses of the Legislature will adjourn, *sine die*, on the thirty-first day of March next.

Mr. Speaker put the question whether the House would proceed to the consideration of the said resolution, and it was determined in the negative.

{ AYES 42 }  
{ NAYS 53 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |               |                 |
|-----------------|---------------|-----------------|
| Mr. Bagg        | Mr. Frisbee   | Mr. S. Miller   |
| Mr. Bailey      | Mr. Garretson | Mr. Moulton     |
| Mr. S. A. Brown | Mr. Giffard   | Mr. Pardee      |
| Mr. A. H. Buell | Mr. Gregory   | Mr. Russell     |
| Mr. Bunker      | Mr. Hall      | Mr. Searing     |
| Mr. Bush        | Mr. Harden    | Mr. A. C. Smith |
| Mr. Carpenter   | Mr. Hazelton  | Mr. Spring      |
| Mr. Chase       | Mr. Johnson   | Mr. Tefft       |
| Mr. Comstock    | Mr. Kinne     | Mr. Thayer      |
| Mr. Constant    | Mr. Knapp     | Mr. Thompson    |
| Mr. Crain       | Mr. T. R. Lee | Mr. Titus       |
| Mr. E. Crosby   | Mr. M'Carthy  | Mr. Walrath     |
| Mr. Dayton      | Mr. M'Donald  | Mr. Wyckoff     |
| Mr. Dickson     | Mr. M'Key     | Mr. Winant      |

42

Those who voted in the negative are

|                  |                |                  |
|------------------|----------------|------------------|
| Mr. Barber       | Mr. Fonda      | Mr. Niven        |
| Mr. Betts        | Mr. D. Gould   | Mr. Oakley       |
| Mr. Bevins       | Mr. G. Gould   | Mr. Pierce       |
| Mr. Billings     | Mr. Hannum     | Mr. Rice         |
| Mr. Bloss        | Mr. Harris     | Mr. Rogers       |
| Mr. Boughton     | Mr. Heermans   | Mr. Ross         |
| Mr. Bowen        | Mr. Hervey     | Mr. Skelton      |
| Mr. J. Brooks    | Mr. Hine       | Mr. Speaker      |
| Mr. L. H. Brown  | Mr. Howard     | Mr. J. Stevenson |
| Mr. T. Buel      | Mr. Hunt       | Mr. Sweeney      |
| Mr. Coe          | Mr. Huntington | Mr. Tibbits      |
| Mr. C. F. Crosby | Mr. Jarvis     | Mr. Wells        |
| Mr. Danforth     | Mr. D. Lee     | Mr. Wheeler      |
| Mr. Dewey        | Mr. Long       | Mr. White        |
| Mr. Edwards      | Mr. M'Vean     | Mr. Whitney      |
| Mr. Fellows      | Mr. Mather     | Mr. Worden       |
| Mr. Fenn         | Mr. Mersereau  | Mr. A. W. Young  |
| Mr. Field        | Mr. Morrison   |                  |

53

Mr. Sweeney offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the vote of this House, denying leave to Mr. Raymond, from the minority of the standing committee on the erection and division of towns and counties, to introduce a bill erecting the new county of Unadilla, be reconsidered.

*Ordered*, That the said resolution be laid on the table.

Mr. Wheeler gave notice that he would, at an early day, ask leave to introduce a bill more effectually to preserve the evidence of the naturalizing persons in the city of New-York.

In pursuance of previous notice, Mr. Morrison asked for and obtained leave to bring in a bill, entitled "An act to extend to the county of



Richmond the provisions of the act entitled 'An act for the better security of mechanics and others erecting buildings and furnishing materials therefor in the city and county of New-York,' passed April 29th, 1844;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Niven asked for and obtained leave to bring in a bill, entitled "An act in relation to the terms of the Court for the trial of impeachments and correction of errors, the Court of Chancery, and the Supreme Court;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

On motion of Mr. Bevens,

The House then proceeded to the consideration of the resolution heretofore offered by Mr. L. H. Brown, in the words following, to wit:

*Resolved*, That the Canal Commissioners report to this House the expense of completing the Black River canal from Boonville to Rome, together with the expense of completing the feeder to said canal; and also the probable cost of preserving the work already done on the Black River canal and feeder for the ensuing year.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

On motion of Mr. Constant,

*Resolved*, That the bill entitled "An act for the relief of the town of Westchester," be taken from the general orders, and recommitted to the committee on roads and bridges, to inquire whether it is or is not a bill requiring the applicants applying for it to give notice of such intended application.

The House then proceeded to the consideration of the resolution heretofore offered by Mr. Harris, in the words following, to wit:

*Resolved*, That the bill to incorporate the Troy and Greenbush Railroad Association, with the petitions and remonstrances and other papers relating thereto, be referred back to the committee on railroads.

Debates were thereupon had; when, the hour of twelve o'clock at noon having arrived, the Chair announced the special order of the house, being the consideration of the amendments to the Constitution.

Mr. C. F. Crosby moved that the said special order be laid upon the table, until to-morrow at twelve o'clock at noon.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. C. F. Crosby, and it was determined in the affirmative.

The House then resumed the consideration of the resolution offered by Mr. Harris.

Mr. Van Schoonhoven moved to amend the said resolution, by adding the words "and that said committee report to this House, as soon as the said Troy and Greenbush Railroad Association shall furnish the evidence to said committee, that six weeks notice has been published of their application for the charter now asked for, as required by law; and that said bill retain its present place on the general orders."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Van Schoonhoven, and it was determined in the affirmative.

The question then recurred on agreeing to the said resolution, as amended.

Debates were again had ; when

Mr. Oakley moved to reconsider the vote on the said amendment.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Oakley, and it was determined in the affirmative.

The said amendment being again under consideration,

Mr. Van Schoonhoven moved to amend the said amendment, by striking out, after the word "House," the words following and ending with "law," and inserting in lieu thereof the words "on or before the first of March."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Van Schoonhoven, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to the said amendment, as amended, and it was determined in the affirmative.

Whereupon,

Mr. Speaker put the question whether the House would agree to the said resolution, as amended, and it was determined in the affirmative.

Mr. Comstock gave notice that he would, at an early day, ask leave to introduce a bill to authorise the reference of certain actions at law.

The Chair announced the appointment of a select committee on the petition of sundry citizens of the county of Chautauque, for the repeal of the law relative to capital punishment, to consist of Mr. S. A. Brown, Mr. Morrison, Mr. Danforth, Mr. Chase and Mr. Coe.

Three several resolutions were received from the Senate, for concurrence, in the words following, to wit :

*Resolved*, (if the Assembly concur,) That the law of Congress, entitled "An act concerning pilots," passed March 2d, 1837, is unequal in its operations, and unnecessary and unjust, and, in the opinion of this Legislature, should be repealed.

*Resolved*, (if the Assembly concur,) That our senators in Congress be instructed, and our representatives be requested, to use their best exertions to procure an immediate repeal of said law.

*Resolved*, (if the Assembly concur,) That the Executive be respectfully requested to cause a copy of these resolutions to be forthwith transmitted to each of our senators and representatives in Congress.

Mr. Morrison moved that the said resolutions be referred to a select committee, consisting of the members attending this house from the counties of Kings, Richmond and New-York.

Mr. Russell moved that the said resolutions be committed to a committee of the whole house.

Debates were thereupon had ; when

Mr. Chase moved that the House do now adjourn.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Chase, and it was determined in the affirmative.

The House then adjourned to ten o'clock to-morrow morning.

## WEDNESDAY, FEBRUARY 26, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Meyer.

The minutes of yesterday were read and approved.

The petition of William Miller, praying for the passage of a law defining the duties of executors and administrators, and also to reduce the fees of surrogates in certain cases, was read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the county of Suffolk, praying for the passage of an act compelling the Long Island Railroad Company to fence their road, so as to prevent cattle from getting thereon, was read, and referred to the committee on the internal affairs of towns and counties.

The petition of sundry inhabitants of the county of Onondaga, praying for the erection of a toll-gate on the turnpike road made by the State through the Onondaga Indian reservation, for the purpose of keeping said road in repair, was read, and referred to the committee on indian affairs.

The petition of the Seneca nation of Indians, praying for protection and relief, was read, and referred to the committee on indian affairs.

The petition of William Wilcox of the county of Wayne, praying for relief for canal damages, was read, and referred to the committee on claims.

The petition of William B. Wemple, praying for the passage of an act to confirm the title to certain real estate purchased by him of an alien, was read, and referred to the committee on the petitions of aliens.

The petition of Mary E. Green and others of the city of New-York, praying for relief from tax, was read, and referred to the committee on the public lands.

The petition of sundry inhabitants of the county of Otsego, praying for the passage of a law compelling the banks of this State to redeem their notes at par in the city of New-York, was read, and referred to the committee on banks and insurance companies.

The petition of sundry inhabitants of the village of Sherburne in the county of Chenango, praying for the incorporation of a mutual insurance company at that place, was read, and referred to the committee on banks and insurance companies.

The petition of sundry inhabitants of the county of Cayuga, praying for a repeal of the law allowing railroad companies to carry freight, was read, and referred to the committee on canals.

The petition of sundry inhabitants of the county of Niagara, praying for the construction of a canal bridge at the village of Middleport in said county, was read, and referred to the committee on canals.

The petition of sundry inhabitants of the county of Wayne, praying for the passage of a law authorising the Canal Commissioners to lease the surplus water of the canal at the village of Arcadia in said county, was read, and referred to the committee on canals.



The petition of sundry inhabitants of the county of Steuben, praying for an appropriation to rebuild the locks on the Crooked Lake Canal, was read, and referred to the committee on canals.

The petition of sundry inhabitants of the county of Erie, praying for a discrimination in canal tolls, was read, and referred to the committee on canals.

Two several remonstrances of sundry inhabitants of the county of Oswego, against any discriminating system of canal tolls, were read, and referred to the committee on canals.

Three several petitions of sundry inhabitants of the county of Lewis, praying for the completion of the Black River Canal, were read, and referred to the committee on canals.

Two several petitions of sundry inhabitants of the counties of Cattaraugus and Allegany, praying for a resumption of work on the Genesee Valley Canal, were read, and referred to the committee on canals.

The petition of sundry inhabitants of the county of Dutchess, praying for an alteration of the common school system, was read, and referred to the committee on colleges, academies and common schools.

The petition of sundry inhabitants of the county of Columbia, praying for the passage of a law abolishing the office of county superintendent of common schools, was read, and referred to the committee on colleges, academies and common schools.

The petition of sundry merchants and traders of the city of New-York, praying for the passage of a law to impose a tax upon foreign corporations, equal to that paid by corporations chartered by this State, was read, and ordered to be laid on the table.

Two several remonstrances of sundry inhabitants of the county of Chautauque, against any division of said county, were read, and referred to the committee on the erection and division of towns and counties.

Two several petitions of sundry inhabitants of the county of Ulster, praying for the annexation of a portion of the town of Hurley to the town of Kingston in said county, were read, and referred to the committee on the erection and division of towns and counties.

The remonstrance of sundry inhabitants of the county of Ulster, against annexing any part of the town of Hurley to the town of Kingston, was read, and referred to the committee on the erection and division of towns and counties.

Eighteen several petitions of sundry inhabitants of the counties of Delaware, Schoharie, Columbia, Albany, Greene and Dutchess, praying for an alteration of the law respecting landlord and tenant, were read, and referred to the select committee on that subject.

Nine several petitions of sundry inhabitants of the counties of Broome, Cattaraugus, Tioga and New-York, praying for the passage of a law authorising the New-York and Erie Railroad Company to locate certain portions of their road in the State of Pennsylvania, were read, and referred to the committee of the whole when on the bill upon that subject.

Three several remonstrances of sundry inhabitants of the counties of Broome and Chenango, against allowing the New-York and Erie Railroad Company to locate any portion of their road out of the State, were



read, and referred to the committee of the whole when on the bill upon that subject.

Four several petitions of sundry inhabitants of the counties of Chautauque, Otsego, Suffolk and Tompkins, praying for the passage of a law submitting the question of license to the people of the several cities and towns in this State, was read, and referred to the committee of the whole when on the bill upon that subject.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act further to amend the act entitled 'An act relative to the city of Albany,' passed April 16th, 1842;" and the bill entitled "An act to revive an act entitled 'An act for the relief of the Shinecock tribe of Indians,' passed April 19th, 1831," and found the same severally correctly engrossed.

*Ordered*, That the said bills do have their third reading.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the petition of the supervisors of the county of Westchester, for the passage of a law to classify the superintendents of the poor in said county, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Chase accordingly brought in the said bill, entitled "An act to classify the superintendents of the poor in the county of Westchester;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the petition of sundry inhabitants of the county of Steuben, for a reduction of the number of town officers, reported unfavorably to the prayer of the petitioners, and offered for the consideration of the House the following resolution, to wit :

*Resolved*, That the committee on the internal affairs of towns and counties be discharged from the further consideration of the petition for a reduction of the number of town officers in the county of Steuben.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Walrath, from the committee on the public printing, to which was referred the annual report of the Comptroller on the expenditures on the canals, reported, that the committee recommend that the usual number of copies of the said report be printed.

Mr. Speaker put the question whether the House would agree with the committee in their said report, and it was determined in the affirmative.

*Ordered*, That the said report of the Comptroller be laid on the table.

Mr. Dickson, from the committee on the petitions of aliens, to which was referred the petition of Henry Archer, an alien, for relief, reported favorably to the prayer of the petitioner, and asked leave to bring in a bill.

Leave being granted, Mr. Dickson accordingly brought in the said bill, entitled "An act for the relief of Henry Archer, Mary wife of John Smith, Jane Archer, Elizabeth Archer and Martin Archer, devisees of John Archer, late of the county of Clinton, deceased;" which was read

the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

The report of the Canal Board, on the petition of John Lafay and J. W. Clemens, was received and read.

[See Document No. 132.]

*Ordered*, That the said report be referred to the committee on claims. A communication from the Hon. Hugh Halsey was received and read, in the words following, to wit :

SURVEYOR GENERAL'S OFFICE, }  
Albany, February 25, 1845. }

TO THE SPEAKER OF THE ASSEMBLY.

SIR,

I have received a copy of the concurrent resolution of the Senate and Assembly, appointing me to the office of Surveyor General of this State ; and ask of you the favor to communicate to the body over which you preside, my acceptance of the same, and my deep sense of the honor conferred.

Respectfully your obedient servant,

H. HALSEY.

The House then proceeded to the consideration of the resolutions from the Senate, relative to the law of Congress, entitled "An act concerning pilots ;" which said resolutions were under consideration when the House adjourned yesterday.

The question recurred on agreeing to the motion of Mr. Morrison, to refer the said resolution to a select committee, consisting of the members attending this house from the counties of Richmond and Kings and the city and county of New-York.

Mr. Bailey moved to refer the said resolutions to the committee on the judiciary.

Debates were had thereon ; when

Mr. Ross called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Mr. T. R. Lee moved a reconsideration of the said vote.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. T. R. Lee, and it was determined in the negative.

Whereupon,

Mr. Speaker put the question whether the House would concur with the Senate in their said resolutions, and it was determined in the negative.

{ AYES 23 }  
{ NAYS 76 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |                  |             |
|-----------------|------------------|-------------|
| Mr. Bachman     | Mr. C. F. Crosby | Mr. Skelton |
| Mr. Bagg        | Mr. Danforth     | Mr. Speaker |
| Mr. Bevins      | Mr. Fellows      | Mr. Thayer  |
| Mr. Boughton    | Mr. Hine         | Mr. Walrath |
| Mr. L. H. Brown | Mr. Knapp        | Mr. Whitney |
| Mr. Bunker      | Mr. Moulton      | Mr. Wyckoff |
| Mr. Carpenter   | Mr. Pardee       | Mr. Winant  |
| Mr. Comstock    | Mr. Russell      |             |

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Those who voted in the negative are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Bailey      | Mr. G. Gould   | Mr. Morris          |
| Mr. Barber      | Mr. Gregory    | Mr. Morrison        |
| Mr. Betts       | Mr. Hall       | Mr. Niven           |
| Mr. Billings    | Mr. Hannum     | Mr. Oakley          |
| Mr. Bloss       | Mr. Harris     | Mr. Pierce          |
| Mr. Bowen       | Mr. Hazelton   | Mr. Raymond         |
| Mr. J. Brooks   | Mr. Heermans   | Mr. Rice            |
| Mr. S. A. Brown | Mr. Hervey     | Mr. Rogers          |
| Mr. A. H. Buell | Mr. Howard     | Mr. Ross            |
| Mr. T. Buel     | Mr. Hunt       | Mr. Sears           |
| Mr. Bush        | Mr. Huntington | Mr. Sherman         |
| Mr. Chase       | Mr. Jarvis     | Mr. A. C. Smith     |
| Mr. Coe         | Mr. Johnson    | Mr. Spring          |
| Mr. Constant    | Mr. Kinne      | Mr. J. Stevenson    |
| Mr. E. Crosby   | Mr. D. Lee     | Mr. Thompson        |
| Mr. Dayton      | Mr. T. R. Lee  | Mr. Tibbits         |
| Mr. Dewey       | Mr. Litchfield | Mr. Titus           |
| Mr. Dickson     | Mr. M'Carthy   | Mr. Tuthill         |
| Mr. Edwards     | Mr. M'Donald   | Mr. Van Schoonhoven |
| Mr. Fenn        | Mr. M'Key      | Mr. Wells           |
| Mr. Field       | Mr. M'Vean     | Mr. Wheeler         |
| Mr. Fonda       | Mr. Mann       | Mr. White           |
| Mr. Frisbee     | Mr. Mather     | Mr. Wilcox          |
| Mr. Garretson   | Mr. Mersereau  | Mr. Worden          |
| Mr. Giffard     | Mr. S. Miller  | Mr. A. W. Young     |
| Mr. D. Gould    |                |                     |

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Mr. Wells moved a reconsideration of the said vote.

Mr. T. R. Lee moved to lay the said motion of Mr. Wells upon the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. T. R. Lee, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the said motion of Mr. Wells, and it was determined in the negative.

*Ordered*, That the Clerk return the said resolutions to the Senate, and inform them that the Assembly have non-concurred in the same.

By unanimous consent,

Mr. Wyckoff asked for and obtained leave to bring in a bill, entitled "An act to incorporate the Brooklyn City Hospital;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on medical societies and colleges.

*Ordered,* That Mr. Collins have leave of absence for fourteen days, Mr. Horton for seven days, Mr. Hammond for fourteen days, Mr. R. L. Stevenson for eight days, Mr. W. Smith for eight days, Mr. Van Valkenburgh for eight days, Mr. Newkirk for seven days, Mr. Porter for ten days, Mr. Strobbridge for ten days, Mr. Burdick for six days, Mr. Thayer for ten days, and Mr. De Puy for ten days.

The hour of twelve o'clock at noon having arrived, the Chair announced the special order of the House, being the consideration of the amendments to the Constitution.

Mr. C. F. Crosby moved that the House resolve itself into a committee of the whole, on the engrossed bill from the Senate, entitled "An act to pay the militia called into service in December 1844 and January 1845, and for other purposes."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. C. F. Crosby, and it was determined in the affirmative.

The House then again resolved itself into a committee of the whole, on the said engrossed bill from the Senate, entitled "An act to pay the militia called into service in December 1844 and January 1845, and for other purposes;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. E. Crosby, from the said committee, reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house.

Mr. Sweeney moved to lay the said report of the committee of the whole upon the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Sweeney, and it was determined in the affirmative.

On motion of Mr. T. R. Lee,

The House then adjourned to ten o'clock to-morrow morning.



## THURSDAY, FEBRUARY 27, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Coley.

The minutes of yesterday were read and approved.

The petition of sundry inhabitants of the county of Rockland, praying for the passage of a law authorising the appointment of a supreme court commissioner to reside in said county, was read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the county of Monroe, praying for such action by the Legislature as will tend to the establishment of an international court of arbitration for the settlement of all disputes, was read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the county of Oswego, praying that relief may be granted to Jonathan Case, late sheriff of said county, was read, and referred to the committee on grievances.

The petition of George Heath of the county of Herkimer, praying for relief, was read, and referred to the committee on claims.

Two several petitions of sundry inhabitants of the county of Westchester, praying for the improvement of the main road from the village of Somers to the village of Peekskill in said county, were read, and referred to the committee on roads and bridges.

The remonstrance of sundry inhabitants of the county of Orange, against granting a charter for a ferry over the Delaware river at Port Jarvis, was read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the county of Erie, praying for the incorporation of a society, to be called the community of Free Inspiration, was read, and referred to the committee on charitable and religious societies.

The petition of sundry inhabitants of the county of Tompkins, praying for the abolition of the office of county superintendent of common schools, was read, and referred to the committee on colleges, academies and common schools.

The petition of sundry inhabitants of the county of Rensselaer, praying that certain restrictions may be imposed upon the Troy and Greenbush Railroad Association, was read, and referred to the committee on railroads.

The petition of sundry inhabitants of the county of Schenectady, praying for the repeal of the law allowing railroad companies to carry freight, was read, and referred to the committee on railroads.

The petition of sundry inhabitants of the county of Erie, praying for the incorporation of a German community residing on the late Indian reservation in said county, was read, and referred to the committee on the incorporation of cities and villages.

Five several remonstrances of sundry inhabitants of the county of Chautauque, against the division of said county, were read, and referred to the committee on the erection and division of towns and counties.

Three several petitions of sundry inhabitants of the county of Ulster, praying for the annexation of a portion of the town of Rosendale to the town of Marbletown in the said county, were read, and referred to the committee on the erection and division of towns and counties.

The remonstrance of sundry inhabitants of the county of Ulster, against annexing any part of the town of Rosendale to the town of Marbletown, was read, and referred to the committee on the erection and division of towns and counties.

The petition of sundry inhabitants of the county of Tioga, praying for the passage of a law to abolish the office of superintendent of the poor, was read, and referred to the committee on the internal affairs of towns and counties.

The petition of sundry inhabitants of the city of Rochester, praying for the passage of a law to raise money by tax in and for district number two of said city, was read, and referred to the committee on the internal affairs of towns and counties.

The petition of sundry inhabitants of the county of Sullivan, praying for the passage of a law requiring deeds and mortgages to be recorded in the town clerk's office, was read, and referred to the committee on the internal affairs of towns and counties.

The petition of sundry inhabitants of the village of South-Middletown in the county of Orange, praying for an amendment of the act authorising the establishment of a fire engine company in said village, was read, and referred to the committee on the internal affairs of towns and counties.

The petition of sundry inhabitants of the city of New-York, praying for the passage of an act granting aid to the New-York dispensaries, was read, and referred to the committee on medical colleges and societies.

Two several petitions of sundry inhabitants of Western New-York, praying for the incorporation of a Homœopathic College at the village of Auburn in the county of Cayuga, were read, and referred to the committee on medical colleges and societies.

Four several petitions of sundry inhabitants of the counties of Otsego, Saratoga, Sullivan and Schoharie, praying for the passage of a law requiring the banks of this State to redeem their notes at par in the cities of Albany and New-York, were read, and referred to the committee on banks and insurance companies.

The petition of sundry inhabitants of the county of Monroe, praying for the recharter of the Bank of Rochester, was read, and referred to the committee on banks and insurance companies.

Four several petitions of sundry inhabitants of the counties of Orleans, Albany and Wayne, praying for the adoption of a discriminating system of canal tolls, were read, and referred to the committee on canals.

Two several remonstrances of sundry inhabitants of the counties of Jefferson and Oswego, against any discrimination in the canal tolls of this State, were read, and referred to the committee on canals.

The petition of sundry inhabitants of the county of Wayne, praying for a repeal of the law allowing railroad companies to carry freight, was read, and referred to the committee on canals.

Five several petitions of sundry inhabitants of the counties of Niagara, Delaware, Montgomery, Fulton and Schoharie, praying for an alteration of the law respecting landlord and tenant, were read, and referred to the select committee on that subject.

Four several petitions of sundry inhabitants of the county of Erie, praying for a reduction of the fees of attorneys, were read, and referred to the select committee on that subject.

The petition of sundry inhabitants of the county of Wyoming, praying for the passage of a law for the suppression of licentiousness, was read, and referred to the select committee on that subject.

The petition of sundry inhabitants of the county of Erie, praying that the Constitution may be so amended as to abolish the property qualification of colored citizens, was read, and referred to the select committee on that subject.

Two several remonstrances against the passage of a law to pay the troops called into service at Hudson in December and January last, were read, and ordered to be laid on the table.

Sixteen several petitions of sundry inhabitants of the counties of Dutchess, Monroe, Sullivan, Wayne, Ontario, Greene, Jefferson, Seneca, Tompkins and Otsego, praying for the passage of a law submitting the question of license to the people of the several cities and towns, were read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Dutchess, praying for the incorporation of the American and Foreign Bible Society, was read, and referred to the committee of the whole when on the bill upon that subject.

Five several petitions of sundry inhabitants of the counties of New-York and Orange, praying for the passage of a law authorising the New-York and Erie Railroad Company to locate certain portions of their road in the State of Pennsylvania, were read, and referred to the committee of the whole when on the bill upon that subject.

Two several remonstrances of sundry inhabitants of the county of Sullivan, against allowing the New-York and Erie Railroad Company to locate any portion of their road in the State of Pennsylvania, were read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of sundry inhabitants of the county of Orange, against the erection of the new town of Chester in said county, was read, and referred to the committee of the whole when on the bill upon that subject.

Two several remonstrances of sundry inhabitants of the city of New-York, against certain provisions of the bill relative to taxes and jurors in the said city, were read, and referred to the committee of the whole when on the said bill.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the petition of sundry inhabitants of the town of York in the county of Livingston, praying for the passage of a law to enable the said town to be constituted a single election



district, reported unfavorably to the prayer of the petitioners, and offered for the consideration of the House the following resolution :

*Resolved*, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Edwards, from the minority of the committee on banks and insurance companies, to which was referred the petition of the several insurance companies in the cities of New-York and Brooklyn, asked leave to submit a written report.

Leave being granted, Mr. Edwards accordingly submitted the said report.

[*See Document No. 105.*]

On motion of Mr. Morrison,

*Ordered*, That three times the usual number of copies of said report be printed for the use of the Legislature.

Mr. Edwards, from the same committee, also asked for and obtained leave to bring in a bill, entitled "An act to increase the tax upon foreign insurance companies doing business in the cities of New-York and Brooklyn, and for other purposes;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Hine, from the committee on the erection and division of towns and counties, to which was referred the petition of sundry inhabitants of the town of Greenwood in the county of Steuben, praying for the division of said town, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Hine accordingly brought in the said bill, entitled "An act to erect the town of Union in the county of Steuben;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Ross, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to amend the charter of the city of Rochester," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Walrath, from the committee on the public printing, to which was referred the petition of Charles F. Merchant, relative to furnishing seven hundred and twenty-five diagrams for the use of the Assembly, reported, that the committee had examined the said petition, and recommended that the petitioner be paid for the said diagrams at the rate of twelve dollars per hundred, and that the committee be discharged from the further consideration of the said petition.

Mr. Speaker put the question whether the House would agree with the committee in their said report, and it was determined in the affirmative.

Mr. Whitney, from the committee on medical societies and colleges, to which was referred the petition of sundry inhabitants of the town of



Warwarsing in the county of Ulster, praying for the renewal of the act of 1838, providing for the establishment of a board of health in the several towns in this State, reported unfavorably to the prayer of the petitioners, and offered the following resolution, to wit :

*Resolved*, That the committee on medical societies and colleges be discharged from the further consideration of the petition for the establishment of a board of health in each town in this State.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. A. C. Smith, from the committee on the internal affairs of towns and counties, to which was referred the petition of the judges and supervisors of the county of Steuben, for the passage of a law abolishing the office of poor-master in said county, and authorising the supervisors to perform the duties of said office, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. A. C. Smith accordingly brought in the said bill, entitled "An act abolishing the office of overseer of the poor in the several towns in the county of Steuben, and also repealing the law giving justices of the peace the power to grant temporary relief in said county ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Walrath, from the committee on the public printing, to which was referred the petition of Robert F. Johnstone, asking to do the State printing at a rate of fifteen per centum less than it is now done, reported unfavorably to the prayer of the petitioner, and offered the following resolution, to wit :

*Resolved*, That the committee on the public printing be discharged from the further consideration of the petition of Robert F. Johnstone.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Morrison, from the committee on railroads, asked for and obtained leave to bring in a bill, entitled "An act to regulate the fare of passengers carried on the railroads of this State ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the engrossed bill from the Senate, entitled "An act for the relief of Smith Cutler," reported, that the committee had examined the said bill, and recommend that the same be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the petition of the board of supervisors of the county of Kings, relative to insane persons in the said county, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. T. R. Lee accordingly brought in the said bill, entitled "An act relative to insane persons in the county of Kings ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the petition of the supervisors of the county of Greene, relative to the salary of the district attorney of said county, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. T. R. Lee accordingly brought in the said bill, entitled "An act concerning the district attorney of the county of Greene ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Tefft, from the committee on claims, to which was referred the petition of Marcus Brown, for relief, reported in writing, and asked leave to bring in a bill.

[See Document No 130 ]

Leave being granted, Mr. Tefft accordingly brought in the said bill, entitled "An act for the relief of Marcus Brown ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Tefft, from the committee on claims, to which was referred the petition of John Niles and others, praying for relief, reported unfavorably to the prayer of the petitioners, and offered for the consideration of the House the following resolution, to wit :

*Resolved*, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the House would agree with the committee in their said report and resolution, and it was determined in the affirmative.

Mr. T. R. Lee, from the committee on the judiciary, asked for and obtained leave to bring in a bill, entitled "An act concerning suits in justices' courts, against non-resident defendants ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Tefft, from the committee on claims, to which was referred the petition of Jemima Stark, widow of Nathan Stark deceased, for relief, reported unfavorably to the prayer of the petitioner, and offered the following resolution, to wit :

*Resolved*, That the committee on claims be discharged from the further consideration of the petition of Jemima Stark.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. L. H. Brown, from the committee on colleges, academies and common schools, to which was referred the petition of sundry inhabitants of the town of Spencertown in the county of Columbia, praying for the incorporation of the Spencertown Academy, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. L. H. Brown accordingly brought in the said bill, entitled "An act to incorporate the Spencertown Academy ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Danforth, from the committee on grievances, to which was referred the petition of Daniel Conyne of the county of Montgomery, for relief, reported favorably to the prayer of the petitioner, and asked leave to bring in a bill.

Leave being granted, Mr. Danforth accordingly brought in the said bill, entitled "An act for the relief of Daniel Conyne ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

On motion of Mr. T. R. Lee,

The House then proceeded to the consideration of the special message of the Governor, on the memorial of the New-York pilots.

Mr. T. R. Lee moved to refer the said message to the committee on the judiciary.

Debates were thereupon had.

Mr. Bailey moved to refer the said message to the committee on grievances.

Mr. Worden moved to amend the motion of Mr. T. R. Lee, so as to refer so much only of the said message as does not relate to pilots, to the committee on the judiciary.

Debates were again had ; when, the hour of twelve o'clock at noon having arrived, the Chair announced the special order of the house, the consideration of the amendments to the Constitution.

Mr. Russell moved the suspension of the consideration of the said special order for the space of one hour.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Russell, and it was determined in the affirmative.

The House resumed the consideration of the special message of the Governor.

Debates were again had.

Mr. Worden withdrew his said amendment.

Debates were again had ; when, the hour of suspension of the special order of the house having expired, the Chair announced the consideration of the amendments to the Constitution to be again in order.

Mr. T. R. Lee moved to postpone the said special order until tomorrow at twelve o'clock at noon.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. T. R. Lee, and it was determined in the affirmative.

The House again resumed the consideration of the special message of the Governor.

Debates were again had ; when

Mr. Van Schoonhoven moved that the House do now adjourn.

Mr. Speaker put the question whether the House would agree to the said motion, and it was determined in the negative.

{ AYES 27 }  
{ NAYS 76 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |               |                     |
|-----------------|---------------|---------------------|
| Mr. Bachman     | Mr. Garretson | Mr. Sherman         |
| Mr. Bagg        | Mr. Heermans  | Mr. Skelton         |
| Mr. L. H. Brown | Mr. Jarvis    | Mr. Tibbits         |
| Mr. T. Buel     | Mr. Johnson   | Mr. Van Schoonhoven |
| Mr. Bush        | Mr. Mann      | Mr. Wheeler         |
| Mr. Danforth    | Mr. Mersereau | Mr. Wilcox          |
| Mr. Edwards     | Mr. Morrison  | Mr. Worden          |
| Mr. Fenn        | Mr. Pardee    | Mr. Winant          |
| Mr. Field       | Mr. Ross      | Mr. A. W. Young     |

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Those who voted in the negative are

|                  |                |                  |
|------------------|----------------|------------------|
| Mr. Bailey       | Mr. G. Gould   | Mr. Moulton      |
| Mr. Barber       | Mr. Gregory    | Mr. Niven        |
| Mr. Betts        | Mr. Hall       | Mr. Oakley       |
| Mr. Bevins       | Mr. Hannum     | Mr. Pierce       |
| Mr. Bloss        | Mr. Harden     | Mr. Raymond      |
| Mr. Boughton     | Mr. Harris     | Mr. Rice         |
| Mr. Bowen        | Mr. Hazelton   | Mr. Rogers       |
| Mr. J. Brooks    | Mr. Hervey     | Mr. Russell      |
| Mr. Brower       | Mr. Hine       | Mr. Sager        |
| Mr. S. A. Brown  | Mr. Howard     | Mr. Searing      |
| Mr. Bunker       | Mr. Hunt       | Mr. Sears        |
| Mr. Carpenter    | Mr. Huntington | Mr. A. C. Smith  |
| Mr. Chase        | Mr. Jones      | Mr. Speaker      |
| Mr. Coe          | Mr. Kinne      | Mr. Spring       |
| Mr. Comstock     | Mr. Knapp      | Mr. J. Stevenson |
| Mr. Constant     | Mr. D. Lee     | Mr. Strobbridge  |
| Mr. Crain        | Mr. T. R. Lee  | Mr. Sweeney      |
| Mr. C. F. Crosby | Mr. Litchfield | Mr. Tefft        |
| Mr. E. Crosby    | Mr. M'Carthy   | Mr. Thompson     |
| Mr. Dayton       | Mr. M'Donald   | Mr. Titus        |
| Mr. Dewey        | Mr. M'Key      | Mr. Walrath      |
| Mr. Dickson      | Mr. M'Vean     | Mr. Wells        |
| Mr. Fellows      | Mr. Mather     | Mr. White        |
| Mr. Fonda        | Mr. S. Miller  | Mr. Whitney      |
| Mr. Frisbee      | Mr. Morris     | Mr. Wyckoff      |
| Mr. Giffard      |                |                  |

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Mr. Speaker put the question whether the House would agree to refer the said message to the committee on the judiciary, and it was determined in the affirmative.

{ AYES 56 }  
{ NAYS 47 }

The ayes and nays being required by ten members,



Those who voted in the affirmative are

|                 |               |                 |
|-----------------|---------------|-----------------|
| Mr. Bachman     | Mr. Fonda     | Mr. Pierce      |
| Mr. Bagg        | Mr. Gregory   | Mr. Rogers      |
| Mr. Bailey      | Mr. Hall      | Mr. Russell     |
| Mr. Bevens      | Mr. Harden    | Mr. Sager       |
| Mr. Boughton    | Mr. Hazelton  | Mr. Searing     |
| Mr. Bowen       | Mr. Hervey    | Mr. Sears       |
| Mr. J. Brooks   | Mr. Hine      | Mr. Skelton     |
| Mr. Brower      | Mr. Howard    | Mr. A. C. Smith |
| Mr. L. H. Brown | Mr. Jones     | Mr. Speaker     |
| Mr. Bunker      | Mr. Kinne     | Mr. Strobbridge |
| Mr. Carpenter   | Mr. Knapp     | Mr. Tefft       |
| Mr. Chase       | Mr. T. R. Lee | Mr. Titus       |
| Mr. Comstock    | Mr. M'Carthy  | Mr. Tuthill     |
| Mr. Constant    | Mr. M'Donald  | Mr. Walrath     |
| Mr. Crain       | Mr. M'Key     | Mr. Whitney     |
| Mr. Danforth    | Mr. S. Miller | Mr. Wyckoff     |
| Mr. Dayton      | Mr. Morris    | Mr. Wynant      |
| Mr. Dickson     | Mr. Moulton   | Mr. A. W. Young |
| Mr. Fellows     | Mr. Pardee    |                 |

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Those who voted in the negative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Barber       | Mr. G. Goold   | Mr. Raymond         |
| Mr. Betts        | Mr. Hannum     | Mr. Rice            |
| Mr. Billings     | Mr. Harris     | Mr. Ross            |
| Mr. Bloss        | Mr. Heermans   | Mr. Sherman         |
| Mr. S. A. Brown  | Mr. Hunt       | Mr. Spring          |
| Mr. T. Buel      | Mr. Huntington | Mr. J. Stevenson    |
| Mr. Bush         | Mr. Jarvis     | Mr. Sweeney         |
| Mr. Coe          | Mr. Johnson    | Mr. Thompson        |
| Mr. C. F. Crosby | Mr. D. Lee     | Mr. Tibbits         |
| Mr. E. Crosby    | Mr. Litchfield | Mr. Van Schoonhoven |
| Mr. Dewey        | Mr. M'Vean     | Mr. Wells           |
| Mr. Edwards      | Mr. Mann       | Mr. Wheeler         |
| Mr. Fenn         | Mr. Mather     | Mr. White           |
| Mr. Frisbee      | Mr. Mersereau  | Mr. Wilcox          |
| Mr. Garretson    | Mr. Morrison   | Mr. Worden          |
| Mr. Giffard      | Mr. Oakley     |                     |

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A message from the Senate, with the bill therein mentioned, was received and read, informing, that in the opinion of the Senate, the bill entitled "An act extending an act for the relief of the New-York Institution for the instruction of the deaf and dumb," requires the assent of two-thirds of all the members elected to each branch of the Legislature to pass the same into a law, and that the Senate had passed the said bill by a two-third vote.

*Ordered,* That the question on the final passage of the said bill be again put.

Whereupon,

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 100 }  
{ NAYS 00 }

Those who voted in the affirmative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Bachman      | Mr. Frisbee    | Mr. Niven           |
| Mr. Bagg         | Mr. Garretson  | Mr. Oakley          |
| Mr. Bailey       | Mr. Giffard    | Mr. Pardee          |
| Mr. Barber       | Mr. G. Goold   | Mr. Raymond         |
| Mr. Betts        | Mr. Gregory    | Mr. Rice            |
| Mr. Bevens       | Mr. Hall       | Mr. Rogers          |
| Mr. Billings     | Mr. Hannum     | Mr. Ross            |
| Mr. Bloss        | Mr. Harris     | Mr. Sager           |
| Mr. Boughton     | Mr. Hazelton   | Mr. Searing         |
| Mr. Bowen        | Mr. Heermans   | Mr. Sears           |
| Mr. J. Brooks    | Mr. Hervey     | Mr. Skelton         |
| Mr. Brower       | Mr. Hine       | Mr. A. C. Smith     |
| Mr. L. H. Brown  | Mr. Howard     | Mr. Speaker         |
| Mr. S. A. Brown  | Mr. Hunt       | Mr. Spring          |
| Mr. T. Buel      | Mr. Huntington | Mr. J. Stevenson    |
| Mr. Bunker       | Mr. Jarvis     | Mr. Strobridge      |
| Mr. Bush         | Mr. Johnson    | Mr. Sweeney         |
| Mr. Carpenter    | Mr. Jones      | Mr. Tefft           |
| Mr. Chase        | Mr. Knapp      | Mr. Thompson        |
| Mr. Coe          | Mr. D. Lee     | Mr. Tibbits         |
| Mr. Comstock     | Mr. T. R. Lee  | Mr. Titus           |
| Mr. Constant     | Mr. Litchfield | Mr. Tnhill          |
| Mr. Crain        | Mr. M'Carthy   | Mr. Van Schoonhoven |
| Mr. C. F. Crosby | Mr. M'Donald   | Mr. Walrath         |
| Mr. E. Crosby    | Mr. M'Key      | Mr. Wells           |
| Mr. Danforth     | Mr. M'Vean     | Mr. Wheeler         |
| Mr. Dayton       | Mr. Mann       | Mr. White           |
| Mr. Dewey        | Mr. Mather     | Mr. Whitney         |
| Mr. Dickson      | Mr. Mersereau  | Mr. Wilcox          |
| Mr. Edwards      | Mr. S. Miller  | Mr. Worden          |
| Mr. Fellows      | Mr. Morris     | Mr. Wyckoff         |
| Mr. Fenn         | Mr. Morrison   | Mr. Wynant          |
| Mr. Field        | Mr. Moulton    | Mr. A. W. Young     |
| Mr. Fonda        |                |                     |

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*Ordered,* That the Clerk deliver the said bill to the Governor.

A message from the Senate, with the bills therein mentioned, was received and read, informing that the Senate have passed the bill entitled "An act to enable resident aliens to hold and convey real estate ;"

the bill entitled "An act to amend an act entitled 'An act to enable the trustees of the First Presbyterian Church in Goshen to sell a part of their parsonage lands, for the purposes therein mentioned,' passed April 4th, 1804 ;" the bill entitled "An act in relation to suits on bills of exchange and promissory notes," and the bill entitled "An act to incorporate the Brooklyn African Tompkins Association," and request the concurrence of the Assembly in the same.

The said bills were severally read the first time, and by unanimous consent were also read a second time, and the bill entitled "An act to enable resident aliens to hold and convey real estate," was referred to the committee on the petitions of aliens ; the bill entitled "An act to amend an act entitled 'An act to enable the trustees of the First Presbyterian Church in Goshen to sell a part of their parsonage lands, for the purposes therein mentioned,' passed April 4th, 1804," was referred to the committee on charitable and religious societies ; the bill entitled "An act in relation to suits on bills of exchange and promissory notes," was referred to the committee on the judiciary ; and the bill entitled "An act to incorporate the Brooklyn African Tompkins Association," was referred to the committee on charitable and religious societies.

A communication from the Hon. Daniel S. Dickinson was received and read, in the words following, to wit :

*Washington, February 24, 1845.*

SIR,

I have received official notice from the Legislature of New-York, of my election as Senator in Congress, for six years from the fourth of March next. I hereby certify my acceptance of the trust, and tender my acknowledgments for this renewed expression of confidence.

Yours very respectfully,

D. S. DICKINSON.

The Hon. HORATIO SEYMOUR,

*Speaker of the Assembly.*

Six several statements, from the Eagle Fire Insurance Company, the Manhattan Fire Insurance Company, the East River Fire Insurance Company, the New-York Fire Insurance Company, and the Etna Fire Insurance Company in the city of New-York, and the Brooklyn Fire Insurance Company in the city of Brooklyn, in conformity with a resolution of the Assembly of the eighth of February 1845, were received and read.

[*See Documents No. 120, 116, 123, 127, 124, 142.*]

*Ordered,* That the said statements be laid on the table.

On motion of Mr. Betts,

The House then adjourned to ten o'clock to-morrow morning.

## FRIDAY, FEBRUARY 28, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Wyckoff.

The minutes of yesterday were read and approved.

Three several remonstrances of sundry inhabitants of the city of New-York, against any alteration of or interference with the pilot laws, were read, and referred to the committee on the judiciary.

The remonstrance of sundry inhabitants of the village of West-Troy in the county of Albany, against the organization of a police court in said village, was read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the county of Sullivan, praying that the courts of this State may be closed against the naturalization of foreigners, was read, and referred to the committee on the judiciary.

Two several petitions of sundry inhabitants of the county of Seneca, praying for the passage of a law requiring each town to pay its own costs in cases of public prosecution, were read, and referred to the committee on the judiciary.

The petition of Patrick Harriel and Mary his wife, praying for a confirmation of her conveyances of real estate, was read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the county of Monroe, praying that imprisonment for costs may be abolished, was read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the county of Orange, praying that measures may be taken to substitute a court of nations in the place of war, was read, and referred to the committee on the judiciary.

The petition of the Albany Cemetery Association, praying for an amendment of their charter, was read, and referred to the committee on charitable and religious societies.

The petition of Bernard O'Reilly and others of the city of Rochester, praying for the incorporation of the Roman Catholic Orphan Asylum Society of the city of Rochester, was read, and referred to the committee on the incorporation of charitable and religious societies.

The petition of the Albany Medical College, praying for an amendment of their charter, was read, and referred to the committee on medical colleges and societies.

The petition of sundry inhabitants of the city of New-York, praying for the incorporation of the Mutual Reliance Association of the city of New-York, was read, and referred to the committee on banks and insurance companies.

The petition of sundry inhabitants of the county of Saratoga, praying for the passage of a law compelling the banks of this State to redeem their notes at par in the city of New-York, was read, and referred to the committee on banks and insurance companies.

The petition of sundry inhabitants of the county of Chautauque, praying for such an alteration of the militia law as will encourage the



formation of uniform companies, was read, and referred to the committee on the militia and public defence.

The remonstrance of sundry inhabitants of the county of Chautauque, against any division of said county, was read, and referred to the committee on the erection and division of towns and counties.

Three several petitions of sundry inhabitants of the county of Allegany, praying for the abolition of the office of county superintendent of common schools, were read, and referred to the committee on colleges, academies and common schools.

The petition of sundry inhabitants of the county of Westchester, praying for an alteration of the road from the village of Somers to the village of Peekskill in said county, was read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the town of Otego and county of Otsego, praying for the alteration of an act of incorporation of a bridge company in said town, was read, and referred to the committee on roads and bridges.

Two several remonstrances of sundry inhabitants and commissioners of highways of the towns of Somers and Yorktown in the county of Westchester, against the laying out a new road through the said towns, were read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the town of Genoa in the county of Cayuga, praying for the repeal of the law allowing railroad companies to carry freight, was read, and referred to the committee on railroads.

The petition of the board of trustees of the village of Williamsburgh in the county of Kings, praying for the passage of an act authorising the said trustees to raise money by tax or loan, to pay certain debts, and to provide for the speedy liquidation and settlement of certain disputed matters and claims in said village, was read, and referred to the committee on the internal affairs of towns and counties.

The petition of R. B. Heacock of the county of Erie, praying for the completion of the Erie canal basin in the city of Buffalo, agreeable to the law of 1840, was read, and referred to the committee on canals.

Four several petitions of sundry inhabitants of the counties of Lewis and Jefferson, praying for the completion of the Black River Canal, were read, and referred to the committee on canals.

Three several petitions of sundry inhabitants of the counties of Monroe and Tompkins, praying for the passage of a law to close the locks on our canals on the Sabbath, were read, and referred to the committee on canals.

Three several petitions of sundry inhabitants of the county of Erie, praying for the passage of a law to protect the revenue of the Erie canal against a competition from the Welland canal, were read, and referred to the committee on canals.

Four several remonstrances of sundry inhabitants of the counties of Oswego and Onondaga, against the proposed discrimination of tolls between the Erie and Oswego canals, were read, and referred to the committee on canals.

The petition of sundry inhabitants of the city of Buffalo, praying for

the completion of the basin at the western terminus of the Erie canal, was read, and referred to the committee on canals.

The petition of C. C. Van Vranken, canal contractor, praying for relief from damages recovered from him by Joseph Spier, in a court of law, for injuries received in consequence of encroachment upon a highway, etc., was read, and referred to the Canal Board.

Fifteen several petitions of sundry inhabitants of the counties of Dutchess, Albany, Rensselaer and Schenectady, praying for an alteration of the law of landlord and tenant, were read, and referred to the select committee on that subject.

The petition of sundry inhabitants of the county of Genesee, praying for a reduction of fare on the railroads from Schenectady to Buffalo, was read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Tompkins, praying for the incorporation of the American and Foreign Bible Society, was read, and referred to the committee of the whole when on the bill upon that subject.

Four several remonstrances of sundry inhabitants of the counties of Schoharie, Fulton and Albany, against the incorporation of the American and Foreign Bible Society, were read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the city of New-York, praying for the repeal of the militia laws, was read, and referred to the committee of the whole when on the bill upon that subject.

Eleven several petitions of sundry inhabitants of the counties of Erie, Otsego and Schoharie, praying for the passage of a law submitting the question of license to the people of the several cities and towns, were read, and referred to the committee of the whole when on the bill upon that subject.

Six several petitions of sundry inhabitants of the counties of Steuben, Sullivan, New-York and Cattaraugus, praying that aid may be granted to the New-York and Erie Railroad Company in the construction of their road, were read, and referred to the committee of the whole when on the bill upon that subject.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the petition of the supervisors of the county of Dutchess, praying for the passage of an act restoring the distinction between town and county poor for said county, reported favorably to the prayer of the petitioners, and offered the following resolution, to wit :

*Resolved*, That the bill entitled "An act authorising the board of supervisors of the county of Madison to restore the distinction between town and county poor," reported to the House by this committee on the twenty-third of January last, be referred back to the same committee, and so amended as to include the county of Dutchess.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Thompson, from the committee on charitable and religious societies, to which was referred the engrossed bill from the Senate, entitled

"An act to incorporate the Brooklyn African Tompkins Association," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Dickson, from the committee on the petitions of aliens, to which was referred the petition of Thomas Vyse, an alien, praying for relief, reported favorably to the prayer of the petitioner, and asked leave to bring in a bill.

Leave being granted, Mr. Dickson accordingly brought in the said bill, entitled "An act for the relief of the devisee of William Vyse, late of the city of New-York, deceased;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Garretson, from the committee on charitable and religious societies, to which was referred the engrossed bill from the Senate, entitled "An act to amend an act entitled 'An act to enable the trustees of the First Presbyterian Church in Goshen to sell a part of their parsonage lands, for the purposes therein mentioned,' passed April 4th, 1804," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Ross, from the committee on the incorporation of cities and villages, to which was referred the petition of sundry citizens of the city of Buffalo, praying for the incorporation of a German community on the late Indian reservation in the county of Erie, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Ross accordingly brought in the said bill, entitled "An act to incorporate the village of Ebenezer in the county of Erie;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Sears, from the committee on canals, to which was referred the petition of Sanford and Eggleston, for relief, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Sears accordingly brought in the said bill, entitled "An act for the relief of John Sanford and William Eggleston;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Huntington, from the select committee to which was referred the bill entitled "An act to punish seduction and adultery, and for other purposes," reported, that the committee had examined the said bill, made sundry amendments thereto, and, as amended, saw no reason why the same should not be passed into a law.

Mr. Huntington moved that the said bill be made the special order for Monday next.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Huntington, and it was determined in the negative.

*Ordered*, That the said bill be committed to a committee of the whole house.



Mr. Bailey, from the minority of the select committee to which was referred the bill entitled "An act to punish seduction and adultery, and for other purposes," asked leave to bring in a bill.

Leave being granted, Mr. Bailey accordingly brought in the said bill, entitled "An act to punish seduction and adultery as crimes;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

By unanimous consent,

Mr. Morrison, from the committee on railroads, asked for and obtained leave to bring in a bill, entitled "An act authorising the New-York and New-Haven Railroad Company to extend their railroad into the State of New-York;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

By unanimous consent,

Mr. D. Gould, from the committee on railroads, asked for and obtained leave to bring in a bill, entitled "An act to amend the acts incorporating the Mohawk and Hudson, and West-Troy and Schenectady Railroad Companies, the former passed April 17th, 1826, and the latter May 21st, 1836;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

The engrossed bill entitled "An act to revive an act entitled 'An act for the relief of the Shinecock tribe of Indians,' passed April 19th, 1831," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 103 }  
{ NAYS 00 }

Those who voted in the affirmative are

|                 |               |                 |
|-----------------|---------------|-----------------|
| Mr. Bachman     | Mr. Garretson | Mr. Oakley      |
| Mr. Bagg        | Mr. Giffard   | Mr. Pardee      |
| Mr. Bailey      | Mr. D. Gould  | Mr. Pierce      |
| Mr. Barber      | Mr. G. Goold  | Mr. Raymond     |
| Mr. Betts       | Mr. Gregory   | Mr. Rice        |
| Mr. Bevens      | Mr. Hall      | Mr. Rogers      |
| Mr. Billings    | Mr. Hannum    | Mr. Ross        |
| Mr. Bloss       | Mr. Harden    | Mr. Russell     |
| Mr. Boughton    | Mr. Harris    | Mr. Sager       |
| Mr. Bowen       | Mr. Hazelton  | Mr. Searing     |
| Mr. J. Brooks   | Mr. Heermans  | Mr. Sears       |
| Mr. M. Brooks   | Mr. Hervey    | Mr. Sherman     |
| Mr. Brower      | Mr. Hine      | Mr. A. C. Smith |
| Mr. L. H. Brown | Mr. Howard    | Mr. Speaker     |
| Mr. S. A. Brown | Mr. Hunt      | Mr. Spring      |



|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Bunker       | Mr. Huntington | Mr. J. Stevenson    |
| Mr. Bush         | Mr. Jarvis     | Mr. Strobbridge     |
| Mr. Carpenter    | Mr. Johnson    | Mr. Sweeney         |
| Mr. Chase        | Mr. Jones      | Mr. Tefft           |
| Mr. Coe          | Mr. Kinne      | Mr. Thompson        |
| Mr. Comstock     | Mr. Knapp      | Mr. Tibbits         |
| Mr. Constant     | Mr. D. Lee     | Mr. Titus           |
| Mr. Crain        | Mr. T. R. Lee  | Mr. Tuthill         |
| Mr. C. F. Crosby | Mr. Litchfield | Mr. Van Schoonhoven |
| Mr. E. Crosby    | Mr. M'Carthy   | Mr. Walrath         |
| Mr. Danforth     | Mr. M'Donald   | Mr. Wells           |
| Mr. Dayton       | Mr. M'Key      | Mr. White           |
| Mr. Dewey        | Mr. M'Vean     | Mr. Whitney         |
| Mr. Dickson      | Mr. Mann       | Mr. Wilcox          |
| Mr. Edwards      | Mr. Mather     | Mr. Worden          |
| Mr. Fellows      | Mr. Mersereau  | Mr. Wyckoff         |
| Mr. Fenn         | Mr. S. Miller  | Mr. Wynant          |
| Mr. Field        | Mr. Morris     | Mr. A. W. Young     |
| Mr. Fonda        | Mr. Niven      | Mr. J. Young        |
| Mr. Frisbee      |                |                     |

103

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act further to amend the act entitled 'An act relative to the city of Albany,' passed April 16th, 1842," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 101 }  
{ NAYS 00 }

Those who voted in the affirmative are

|                 |              |                  |
|-----------------|--------------|------------------|
| Mr. Bachman     | Mr. Giffard  | Mr. Pierce       |
| Mr. Bagg        | Mr. D. Gould | Mr. Raymond      |
| Mr. Bailey      | Mr. G. Gould | Mr. Rice         |
| Mr. Barber      | Mr. Gregory  | Mr. Rogers       |
| Mr. Betts       | Mr. Hall     | Mr. Ross         |
| Mr. Bevins      | Mr. Hannum   | Mr. Russell      |
| Mr. Billings    | Mr. Harden   | Mr. Sager        |
| Mr. Bloss       | Mr. Harris   | Mr. Searing      |
| Mr. Boughton    | Mr. Hazelton | Mr. Sears        |
| Mr. Bowen       | Mr. Heermans | Mr. Sherman      |
| Mr. J. Brooks   | Mr. Hervey   | Mr. A. C. Smith  |
| Mr. M. Brooks   | Mr. Hine     | Mr. Speaker      |
| Mr. L. H. Brown | Mr. Howard   | Mr. Spring       |
| Mr. S. A. Brown | Mr. Hunt     | Mr. J. Stevenson |

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Bunker       | Mr. Huntington | Mr. Strobbridge     |
| Mr. Bush         | Mr. Jarvis     | Mr. Sweeney         |
| Mr. Chase        | Mr. Johnson    | Mr. Tefft           |
| Mr. Coe          | Mr. Jones      | Mr. Thompson        |
| Mr. Comstock     | Mr. Kinne      | Mr. Tibbits         |
| Mr. Constant     | Mr. Knapp      | Mr. Titus           |
| Mr. Crain        | Mr. D. Lee     | Mr. Tuthill         |
| Mr. C. F. Crosby | Mr. T. R. Lee  | Mr. Van Schoonhoven |
| Mr. E. Crosby    | Mr. Litchfield | Mr. Walrath         |
| Mr. Danforth     | Mr. M'Carthy   | Mr. Wells           |
| Mr. Dayton       | Mr. M'Donald   | Mr. Wheeler         |
| Mr. Dewey        | Mr. M'Key      | Mr. White           |
| Mr. Dickson      | Mr. M'Vean     | Mr. Whitney         |
| Mr. Edwards      | Mr. Mather     | Mr. Wilcox          |
| Mr. Fellows      | Mr. Mersereau  | Mr. Worden          |
| Mr. Fenn         | Mr. Morris     | Mr. Wyckoff         |
| Mr. Field        | Mr. Morrison   | Mr. Winant          |
| Mr. Fonda        | Mr. Niven      | Mr. A. W. Young     |
| Mr. Frisbee      | Mr. Oakley     | Mr. J. Young        |
| Mr. Garretson    | Mr. Pardee     |                     |

101

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

On motion of Mr. C. F. Crosby,

*Resolved*, That the petition and papers relating to the claim of C. C. Van Vranken, presented to the Assembly in 1844, be taken from the files, and referred to the Canal Board.

On motion of Mr. D. Lee,

*Resolved*, That the petitions and papers relating to the Blackrock ferry across the Niagara river, and those relating to the erection of a work-house in Erie county, be taken from the files of the house, and referred, the former to the committee on roads and bridges, and the latter to the committee on the internal affairs of towns and counties.

On motion of Mr. Huntington,

*Resolved*, That the bill to punish seduction and adultery, be restored to its original place on the general orders.

On motion of Mr. Thompson,

*Resolved*, That two hundred and fifty copies of the annual report of the managers of the New-York Institution for the Blind, be appropriated for the use of the institution.

On motion of Mr. Russell,

*Resolved*, That the Clerk of this House pay, out of the contingent fund thereof, to each of the messengers whose term has expired, their parents or guardians, the sum of fifty cents per day, upon the certificate of the Speaker as to their term of service.

On motion of Mr. G. Goold,

*Resolved*, That the committee on the internal affairs of towns and counties, to whom was referred the petition of citizens of Orleans, praying for an act to raise money to build bridges in said county, and to loan money for that purpose, be discharged from further considera-

tion of said petition, and that it be referred to the committee on roads and bridges.

Mr. Whitney offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the committee to which was referred sundry petitions praying that the office of county superintendent of common schools be abolished, be instructed to report on Monday next.

*Ordered*, That the said resolution be laid on the table.

Mr. D. Lee offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That a select committee be appointed to investigate the subject of the Geological Survey, the publication and disposition of the books, and the whole labor appertaining to said survey, with power to send for papers and persons, and examine witnesses.

*Ordered*, That the said resolution be laid on the table.

The House then proceeded to the consideration of the resolution heretofore offered by Mr. Bowen, in the words following, to wit :

*Resolved*, That the Canal Commissioners report to this House, in detail, what will probably be the expense of completing all the mechanical structures commenced on the Erie canal enlargement, and of all work necessary to connect said structures with the Erie canal, to bring into use said structures ; and also what the expense will probably be of building, repairing, etc. the work which will be necessary to continue in use that portion of the Erie canal which will be abandoned by bringing into use the above work on the Erie canal enlargement.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Morris offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the petition of a committee of Sullivan county, asking for a survey through that county for the New-York and Erie railroad route, and which was referred to the committee of the whole house, be taken from that committee, and referred to a select committee to be appointed on that subject.

Mr. Wheeler moved to amend the said resolution, so as to refer the said petition to the committee on railroads.

*Ordered*, That the said motion and resolution be laid on the table.

By unanimous consent,

Mr. J. Young asked for and obtained leave to bring in a bill, entitled "An act to condense and amend the several acts relating to the village of Geneva ;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the incorporation of cities and villages.

Mr. Mather gave notice that he would, at an early day, ask leave to introduce a bill to amend the Revised Statutes, in relation to sheriffs' fees.

Mr. Mather gave notice that he would, at an early day, ask leave to introduce a bill in relation to pilots and pilotage by the way of Sandy-hook.

Mr. Mather offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That a special committee be appointed, to inquire why and by whom the desks of members of this House are unlocked by false keys ; with authority to send for persons and papers.

*Ordered*, That the said resolution be laid on the table.

The House then proceeded to the consideration of the resolution heretofore offered by Mr. Niven, in the words following, to wit :

WHEREAS it appears from a memorial presented to this House by the Delaware and Hudson Canal Company, that such company is largely indebted to the State of New-York ; and that its ability to meet its engagements to the State depends on its being permitted to carry on its regular business, undisturbed by the operations of the New-York and Erie Railroad Company :

Therefore,

*Resolved*, That the Comptroller be respectfully requested to furnish to the Assembly a statement, showing the amount of the indebtedness of these companies respectively to this State ; and also whether said companies, or either of them, have paid the interest on their indebtedness to the State.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

The House then proceeded to the consideration of the resolution heretofore offered by Mr. Howard, in the words following, to wit :

*Resolved*, That the Canal Commissioners report to this House, what, in their opinion, will be the expense to preserve the unfinished work on the Genesee Valley canal for the ensuing year ; and also what will be the expense of completing said canal, from Shaker village, to the feeder south of Portage.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Comstock, from the committee on the judiciary, asked for and obtained leave to bring in a bill, entitled "An act to authorise the reference of certain actions at law ;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

Mr. C. F. Crosby offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the select committee to which was referred the resolutions, etc. relating to Texas, be and are hereby ordered to report on Monday next, when reports of select committees are in order.

Mr. M. Brooks moved to lay the said resolution on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. M. Brooks, and it was determined in the affirmative.

{ AYES 55 }  
{ NAYS 44 }

The ayes and nays being required by ten members,



Those who voted in the affirmative are

|                 |               |                 |
|-----------------|---------------|-----------------|
| Mr. Bachman     | Mr. Fonda     | Mr. Morris      |
| Mr. Bagg        | Mr. D. Gould  | Mr. Niven       |
| Mr. Bailey      | Mr. Gregory   | Mr. Pardee      |
| Mr. Bevens      | Mr. Hall      | Mr. Pierce      |
| Mr. Billings    | Mr. Harden    | Mr. Rogers      |
| Mr. J. Brooks   | Mr. Hazelton  | Mr. Russell     |
| Mr. M. Brooks   | Mr. Hervey    | Mr. Sager       |
| Mr. Brower      | Mr. Hine      | Mr. Searing     |
| Mr. L. H. Brown | Mr. Howard    | Mr. Sears       |
| Mr. Bunker      | Mr. Jones     | Mr. Skelton     |
| Mr. Carpenter   | Mr. Kinne     | Mr. A. C. Smith |
| Mr. Chase       | Mr. Knapp     | Mr. Speaker     |
| Mr. Comstock    | Mr. T. R. Lee | Mr. Tefft       |
| Mr. Constant    | Mr. M'Carthy  | Mr. Thompson    |
| Mr. Crain       | Mr. M'Donald  | Mr. Titus       |
| Mr. Danforth    | Mr. M'Key     | Mr. Tuthill     |
| Mr. Dayton      | Mr. Mather    | Mr. Walrath     |
| Mr. Dickson     | Mr. S. Miller | Mr. Whitney     |
| Mr. Fellows     |               |                 |

55

Those who voted in the negative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Barber       | Mr. Hannum     | Mr. Rice            |
| Mr. Betts        | Mr. Harris     | Mr. Ross            |
| Mr. Bowen        | Mr. Heermans   | Mr. Spring          |
| Mr. S. A. Brown  | Mr. Hunt       | Mr. J. Stevenson    |
| Mr. Bush         | Mr. Huntington | Mr. Sweeney         |
| Mr. Coe          | Mr. Jarvis     | Mr. Tibbits         |
| Mr. C. F. Crosby | Mr. Johnson    | Mr. Van Schoonhoven |
| Mr. E. Crosby    | Mr. D. Lee     | Mr. Wells           |
| Mr. Dewey        | Mr. Litchfield | Mr. Wheeler         |
| Mr. Edwards      | Mr. M'Vean     | Mr. White           |
| Mr. Field        | Mr. Mann       | Mr. Wilcox          |
| Mr. Frisbee      | Mr. Mersereau  | Mr. Worden          |
| Mr. Garretson    | Mr. Morrison   | Mr. A. W. Young     |
| Mr. Giffard      | Mr. Oakley     | Mr. J. Young        |
| Mr. G. Goold     | Mr. Raymond    |                     |

44

On motion of Mr. Bailey,

*Resolved*, That the bill reported from the minority of the select committee on the subject of licentiousness, take the place with the bill from the majority on the general orders.

Mr. Harris gave notice that he would, on some future day, ask leave to introduce a bill in relation to taxes upon stocks in monied corporations, held by literary or charitable institutions.

On motion of Mr. Harris,

*Resolved*, That the bill authorising the extension of the docks in the city of Albany south of Hamilton-street, with the petitions and remon-

strances relating thereto, be referred to the committee on the internal affairs of towns and counties.

Mr. Brower offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, (if the Senate concur,) That this Legislature will adjourn on the first Monday in April next.

*Ordered*, That the said resolution be laid on the table.

Mr. Thompson offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That it be referred to the joint library committee, to inquire what arrangements exist in relation to the care of the State Geological Rooms, and whether proper guardians of the specimens therein contained have ever been appointed.

*Ordered*, That the said resolution be laid on the table.

On motion of Mr. Hardin,

*Resolved*, That the bill entitled "An act to amend an act relative to the common school fund of the town of Edmeston, county of Otsego, passed February 26th, 1828," be referred to the committee on colleges, academies and common schools, to report complete.

Mr. Morrison offered for the consideration of the House a preamble and resolution, in the words following, to wit :

WHEREAS an article has appeared in a daily paper published in the city of Albany, reflecting unjustly upon the acts of a member of this House, the editor of which paper holds a seat as a reporter in this House :

Therefore,

*Resolved*, That the subject be referred to the committee on privileges and elections, to examine and report whether the publisher of said article has not forfeited his right to a seat as reporter to this House.

Debates were thereupon had ; when

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the negative.

The hour of twelve o'clock at noon having arrived, the Chair announced the special order of the House, being the consideration of the amendments to the Constitution.

Mr. Harris moved to postpone the said special order, until the order of business of "Motions, resolutions and notices," was gone through.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Harris, and it was determined in the affirmative.

Mr. Constant offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That on Monday of each week, immediately after the presentation of petitions, the next order of business shall be the general orders, and no other order of business shall be acted on during that day.

*Ordered*, That the said resolution be laid on the table.

Mr. Coe offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the Canal Commissioners report to this House, whether any and what public works on the unfinished lateral canals have been protected or secured from injury, by virtue of the fifth and

sixth sections of the act entitled "An act to provide for the preservation of certain public works, and for other purposes," passed May 6, 1844; and if the requirements of section fifth of said act have not been complied with, what cause has prevented such compliance.

*Ordered*, That the said resolution be laid on the table.

Mr. M'Key moved that the petition and papers of Matthew Sayre, praying compensation for canal damages, be taken from the files of the house, and referred to the committee on claims.

On motion of Mr. Bloss,

*Resolved*, That the petition of Capt. J. A. Holms, alien, praying for an act to hold real estate, be taken from the committee on the judiciary, and referred to the committee on the petitions of aliens.

The House then proceeded to the consideration of the resolution heretofore offered by Mr. Sweeney, in the words following, to wit :

*Resolved*, That the vote of this House, denying leave to Mr. Raymond, from the minority of the standing committee on the erection and division of towns and counties, to introduce a bill erecting the new county of Unadilla, be reconsidered.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would grant the leave asked, and it was determined in the affirmative.

Whereupon,

Mr. Raymond, from the minority of the committee on the erection and division of towns and counties, brought in the said bill, entitled "An act for the erection of a new county, to be called Unadilla, from parts of Otsego, Chenango and Delaware counties, with the seat of justice at Unadilla;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

On motion of Mr. Raymond,

*Ordered*, That the report of the minority of the committee on the erection and division of towns and counties, relative to the erection of a new county by the name of Unadilla, be taken from the table, and referred to the committee of the whole having charge of the bill upon that subject.

Mr. Hine moved that the House proceed to the consideration of the resolution reported by the majority of the committee on the erection and division of towns and counties, adverse to the petitions for the erection of a new county by the name of Unadilla.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Hine, and it was determined in the affirmative.

Mr. Hine moved that the said resolution be referred to the committee of the whole having charge of the bill reported by the minority of the committee on the erection and division of towns and counties, on the same subject.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Hine, and it was determined in the affirmative.

Mr. C. F. Crosby moved that the House proceed to the consideration of the engrossed bill from the Senate, entitled "An act to pay the militia

called into service in December 1844 and January 1845, and for other purposes."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. C. F. Crosby, and it was determined in the affirmative.

The question recurred on agreeing with the committee of the whole in their report amending the said bill.

Mr. C. F. Crosby moved to amend the said report of the committee of the whole, by striking out "one dollar and fifty cents," and inserting "two dollars," in the first section and ninth line of the said bill.

Debates were thereupon had; when, on motion of Mr. Worden, The House then adjourned to ten o'clock to-morrow morning.

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## SATURDAY, MARCH 1, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Meyer.

The minutes of yesterday were read and approved.

The petition of Stephen Allen and others of the city of New-York, praying for the appointment of a board of permanent assessors, and remonstrating against certain provisions in the bill entitled "An act relative to taxes and jurors in the city of New-York," was read, and referred to the committee on ways and means.

The petition of sundry inhabitants of the county of Jefferson, praying for the passage of a law equalizing the expense of building and keeping in repair the bridges across the Black river between the towns of Pamela and Watertown, was read, and referred to the committee on roads and bridges.

The petition of Gottlob Kœber, an alien, praying for the passage of a law allowing him to hold real estate, was read, and referred to the committee on the petitions of aliens.

The petition of sundry inhabitants of the counties of Erie and Cattaraugus, praying for the regulation of the construction of dams across the Cattaraugus creek, was read, and referred to the committee on the internal affairs of towns and counties.

The petition of sundry inhabitants of the county of Suffolk, praying for the abolition of the office of county superintendent of common schools, and such other school officers as may be dispensed with without impairing the system, was read, and referred to the committee on colleges, academies and common schools.

The petition of sundry inhabitants of the county of Dutchess, praying for an amendment of the law relating to common schools, was read, and referred to the committee on colleges, academies and common schools.

The petition of Horace Ely, a collector of taxes in the town of Warren in the county of Herkimer, praying for the passage of a law to



extend the time for the collection of taxes in said town, twenty days after the first of March, was read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the county of Sullivan, praying for the passage of a law in reference to the recording of deeds in town clerks' offices, was read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the town of Pavilion in the county of Saratoga, praying for the passage of a law for the further protection of the rights of married women, was read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the county of Orleans, praying for the incorporation of the Oak-orchard Hydraulic Company, was read, and referred to the committee on trade and manufactures.

The remonstrance of Charles H. Marshall, and sundry ship owners, ship captains and merchants of the port of New-York, against any change in the pilot laws, was read, and referred to the committee on the judiciary.

The petition of the mayor of the city of New-York, praying for the passage of a law relative to Thirty-third-street in said city, was read, and referred to the committee on the incorporation of cities and villages.

The remonstrance of sundry inhabitants of the town of Sweden in the county of Monroe, against increasing the number of wards and supervisors in the city of Rochester, was read, and referred to the committee on the incorporation of cities and villages.

The petition of sundry inhabitants of the county of Lewis, praying for the construction of the Black River Canal, was read, and referred to the committee on canals.

Four several petitions of sundry inhabitants of the counties of Schoharie, Tompkins, Herkimer and Cayuga, praying for the repeal of the law allowing the Schenectady and Ulica Railroad Company to carry freight, were read, and referred to the committee on canals.

The memorial of sundry inhabitants of the county of Cayuga, praying for the adoption of a system of discriminating tolls on the Erie and Oswego canals, was read, and referred to the committee on canals.

Three several remonstrances of sundry inhabitants of the counties of Oswego and Niagara, against the proposed discrimination of tolls upon canals, were read, and referred to the committee on canals.

Seven several petitions of sundry inhabitants of the counties of Erie, Orange, Oneida, Jefferson, Saratoga, Herkimer and Otsego, praying for a change in the license law, were read, and referred to the committee of the whole when on the bill upon that subject.

Three several remonstrances against the incorporation of the American and Foreign Bible Society, were read, and referred to the committee of the whole when on the bill upon that subject.

Four several petitions of sundry inhabitants of the city of New-York, praying for the consent of the Legislature that the New-York and Erie Railroad Company may construct their road in the counties of Pike and Susquehanna in the State of Pennsylvania, and for a conditional release of the lien of the State upon said road, were read, and referred to the committee of the whole when on the bill upon that subject.

Two several petitions of sundry inhabitants of the county of Schoharie, praying for an alteration of the law of landlord and tenant, were read, and referred to the select committee on that subject.

Two several petitions of sundry inhabitants of the counties of Broome and Ulster, against locating any part of the road of the New-York and Erie Railroad Company in the State of Pennsylvania, were read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry ladies of the county of Dutchess, praying for the passage of a law to suppress licentiousness, was read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Orange, praying for a reduction of the rate of interest to six per centum, was read, and referred to the select committee on that subject.

The petition of the trustees of the Rochester Female Academy, and sundry inhabitants of the city of Rochester, praying for a more equal distribution of the Literature Fund, was read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Oswego, praying for the construction of a railroad from the village of Syracuse in the county of Onondaga, to the village of Oswego in said county of Oswego, was read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Allegany, praying for the incorporation of the Attica and Hornellsville Railroad Company, was read, and referred to the committee of the whole when on the bill upon that subject.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act authorising the board of supervisors of the county of Madison to restore the distinction between county and town poor," with instructions to report the said bill so amended as to make it applicable to the county of Dutchess, reported, that the committee had amended the said bill in accordance with such instructions.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the petition of sundry inhabitants of the county of Sullivan, relative to the recording of deeds and mortgages by town clerks, reported unfavorably to the prayer of the petitioners, and offered the following resolution, to wit :

*Resolved*, That the committee on the internal affairs of towns and counties be discharged from the further consideration of the petition relative to the recording of deeds and mortgages in the offices of town clerks.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Pardee, from the committee on roads and bridges, to which was referred the petition of sundry inhabitants of the county of Dutchess, relative to a road through the Highlands, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Pardee accordingly brought in the said bill, entitled "An act to provide for laying out and constructing a road through the Highlands, from Croton bridge in the county of Westchester, to Fishkill landing in the county of Dutchess ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Pardee, from the committee on roads and bridges, to which was referred the petitions from the counties of Wayne and Cayuga, relative to a road and bridge across the Seneca river, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Pardee accordingly brought in the said bill, entitled "An act to incorporate the Port Byron and Savannah Turnpike Road and Bridge Company ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Hine, from the committee on the erection and division of towns and counties, to which was referred the petitions for the annexation of a part of the town of Hurley to the town of Kingston, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Hine accordingly brought in the said bill, entitled "An act to annex a part of the town of Hurley in the county of Ulster, to the town of Kingston in said county ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Garretson, from the committee on charitable and religious societies, to which was referred the petition of the Albany Cemetery Association, praying for an amendment of their charter, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Garretson accordingly brought in the said bill, entitled "An act to amend an act entitled 'An act to incorporate the Albany Cemetery Association ;' " which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Whitney, from the committee on medical societies and colleges, to which was referred the petition of the Albany Medical College, for an amendment of their charter, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Whitney accordingly brought in the said bill, entitled "An act to amend an act entitled 'An act to incorporate the Albany Medical College ;' " which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Thompson, from the committee on charitable and religious societies, to which was referred the petition of the trustees of the Episcopal Fund in the diocese of New-York, for an act of incorporation, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Thompson accordingly brought in the said bill, entitled "An act to incorporate the trustees of the Episcopal Fund in the diocese of New-York ;" which was read the first time, and by



unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Hardin, from the committee on colleges, academies and common schools, to which was referred the bill entitled "An act to amend an act relative to the common school fund of the town of Edmeston, county of Otsego," with instructions to report the same complete, reported, that the committee had examined the said bill, made sundry amendments thereto, and, as amended, saw no reason why the same should not be passed into a law.

The said bill and amendments having been read,

Mr. Speaker put the question whether the House would agree with the committee in their said report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Morrison, from the committee on railroads, to which was re-committed the bill entitled "An act to incorporate the Troy and Greenbush Railroad Association," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. L. H. Brown moved to recommit the said bill to the committee on railroads, with instructions to report the same with an amendment, providing that the same tolls shall be paid into the Treasury of this State, on freight transported on said road, as are paid on the canals of this State.

Debates were had thereon; when

Mr. T. R. Lee called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the negative.

The hour of twelve o'clock at noon having arrived, the Chair announced the special order of the House, being the consideration of the amendments to the Constitution.

Mr. C. F. Crosby moved that the said special order be postponed until Monday next.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. C. F. Crosby, and it was determined in the affirmative.

Mr. L. H. Brown withdrew his said amendment, and moved to recommit the said bill to the committee on railroads.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. L. H. Brown, and it was determined in the affirmative.

Mr. Morrison, from the committee on railroads, asked for and obtained leave to bring in a bill, entitled "An act to provide for the construction of a railroad from the navigable waters of the Great Western lakes, to Lake Champlain;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Morrison, from the committee on railroads, to which was re-committed the resolution relative to a change of route of the New-York and Erie railroad, reported, that the committee had examined the said



resolution, and made sundry amendments thereto, and saw no reason why the said amended resolution should not be adopted.

*Ordered*, That the said resolution be committed to a committee of the whole house.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the petition of Nathaniel Green, for a divorce, reported unfavorably to the prayer of the petitioner, and offered for the consideration of the House the following resolution, to wit :

*Resolved*, That the prayer of the petitioner ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the petition of the supervisors of the county of Niagara, relative to the salary of the police justice of the village of Lockport, and of the district attorney of said county, reported favorably to that part of the petition relative to the salary of the district attorney, and asked leave to bring in a bill.

Leave being granted, Mr. T. R. Lee accordingly brought in the said bill, entitled "An act concerning the district attorney of the county of Niagara;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. T. R. Lee, from the same committee, also reported on so much of said petition as relates to the police justice of the village of Lockport, and offered for the consideration of the House the following resolution :

*Resolved*, That the committee on the judiciary be discharged from the further consideration of the petition relative to the salary of the police justice of the village of Lockport in the county of Niagara.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the bill entitled "An act concerning the district attorney of the county of Ulster," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Danforth, from the committee on grievances, to which was referred the petition of Joshua Reed, for relief, reported, and offered the following resolution, to wit :

*Resolved*, That the committee on grievances be discharged from the consideration of the petition of Joshua Reed, and that the same be referred to the Canal Board.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Danforth, from the committee on grievances, to which was referred the petition of John Bump, for relief, reported, and offered the following resolution, to wit :

*Resolved*, That the committee on grievances be discharged from the consideration of the petition of John Bump, and that the same be referred to the Canal Board.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the petition of sundry inhabitants of the town of Greenbush in the county of Rensselaer, for the incorporation of a fire company, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Chase accordingly brought in the said bill, entitled "An act to incorporate the fire engine company in East-Albany;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

The report of the Canal Commissioners, in compliance with a resolution of the Assembly, relative to the Black River Canal, was received and read.

[See Document No. 131.]

*Ordered*, That the said report be laid on the table.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act to revive an act entitled 'An act for the relief of the Shinecock tribe of Indians,' passed April 19th, 1831," without amendment.

*Ordered*, That the Clerk deliver the said bill to the Governor.

The House then proceeded to the consideration of the engrossed bill from the Senate, entitled "An act to pay the militia called into service in December 1844 and January 1845, and for other purposes."

The question recurred on agreeing to the amendment offered by Mr. C. F. Crosby to the first section of the bill.

Debates were had thereon; when

Mr. Oakley called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the negative.

Debates were again had; when

Mr. Harris called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Whereupon,

Mr. Speaker put the question whether the House would agree to the amendment made by the committee of the whole to the said bill, providing for the payment to each commissioned officer the sum of two dollars and fifty cents per day, and it was determined in the affirmative.

{ AYES 72 }  
{ NAYS 17 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |               |                    |
|-----------------|---------------|--------------------|
| Mr. Bailey      | Mr. G. Goold  | Mr. Niven          |
| Mr. Betts       | Mr. Hannum    | Mr. Oakley         |
| Mr. Bevens      | Mr. Harden    | Mr. Pardee         |
| Mr. Billings    | Mr. Hazelton  | Mr. Raymond        |
| Mr. Bloss       | Mr. Hervey    | Mr. Rice           |
| Mr. Boughton    | Mr. Hine      | Mr. Rogers         |
| Mr. Bowen       | Mr. Howard    | Mr. Searing        |
| Mr. J. Brooks   | Mr. Hunt      | Mr. Skelton        |
| Mr. Brower      | Mr. Jarvis    | Mr. A. C. Smith    |
| Mr. S. A. Brown | Mr. Johnson   | Mr. Speaker        |
| Mr. Bush        | Mr. Kinne     | Mr. Spring         |
| Mr. Cameron     | Mr. Knapp     | Mr. J. Stevenson   |
| Mr. Casner      | Mr. D. Lee    | Mr. Strobbridge    |
| Mr. Chase       | Mr. T. R. Lee | Mr. Thompson       |
| Mr. Coe         | Mr. M'Carthy  | Mr. Tibbits        |
| Mr. Comstock    | Mr. M'Donald  | Mr. Titus          |
| Mr. Crain       | Mr. M'Key     | Mr. Tuthill        |
| Mr. Dewey       | Mr. M'Vean    | Mr. Walrath        |
| Mr. Dickson     | Mr. Mann      | Mr. Wells          |
| Mr. Edwards     | Mr. Mather    | Mr. White          |
| Mr. Fellows     | Mr. Mersereau | Mr. Whitney        |
| Mr. Field       | Mr. S. Miller | Mr. Wilcox         |
| Mr. Frisbee     | Mr. Morris    | Mr. Wynant         |
| Mr. D. Gould    | Mr. Morrison  | Mr. A. W. Young 72 |

Those who voted in the negative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Bachman      | Mr. Garretson  | Mr. Russell         |
| Mr. Bagg         | Mr. Gregory    | Mr. Sager           |
| Mr. L. H. Brown  | Mr. Harris     | Mr. Sweeney         |
| Mr. Carpenter    | Mr. Huntington | Mr. Van Schoonhoven |
| Mr. C. F. Crosby | Mr. Jones      | Mr. Wheeler         |
| Mr. Dayton       | Mr. Litchfield | 17                  |

Mr. Speaker then put the question whether the House would agree to the amendment made by the committee of the whole to the said bill, providing for the payment to each musician and private of the sum of one dollar and fifty cents per day, and it was determined in the affirmative.

{ AYES 56 }  
{ NAYS 33 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |               |                  |
|-----------------|---------------|------------------|
| Mr. Barber      | Mr. D. Gould  | Mr. Oakley       |
| Mr. Betts       | Mr. G. Gould  | Mr. Raymond      |
| Mr. Billings    | Mr. Hall      | Mr. Rice         |
| Mr. Bloss       | Mr. Hannum    | Mr. Rogers       |
| Mr. Boughton    | Mr. Hine      | Mr. Searing      |
| Mr. J. Brooks   | Mr. Howard    | Mr. Skelton      |
| Mr. S. A. Brown | Mr. Johnson   | Mr. A. C. Smith  |
| Mr. Bush        | Mr. Kinne     | Mr. Spring       |
| Mr. Cameron     | Mr. D. Lee    | Mr. J. Stevenson |
| Mr. Casner      | Mr. T. R. Lee | Mr. Tibbits      |
| Mr. Chase       | Mr. M'Carthy  | Mr. Titus        |
| Mr. Coe         | Mr. M'Donald  | Mr. Tuthill      |
| Mr. Comstock    | Mr. M'Key     | Mr. Walrath      |
| Mr. Dewey       | Mr. M'Vean    | Mr. Wells        |
| Mr. Dickson     | Mr. Mann      | Mr. White        |
| Mr. Edwards     | Mr. Mersereau | Mr. Wilcox       |
| Mr. Fellows     | Mr. S. Miller | Mr. Winant       |
| Mr. Field       | Mr. Morrison  | Mr. A. W. Young  |
| Mr. Frisbee     | Mr. Niven     |                  |

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Those who voted in the negative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Bachman      | Mr. Gregory    | Mr. Litchfield      |
| Mr. Bagg         | Mr. Harden     | Mr. Mather          |
| Mr. Bailey       | Mr. Harris     | Mr. Morris          |
| Mr. Bevens       | Mr. Hazelton   | Mr. Russell         |
| Mr. Brower       | Mr. Heermans   | Mr. Sager           |
| Mr. L. H. Brown  | Mr. Hervey     | Mr. Speaker         |
| Mr. Carpenter    | Mr. Hunt       | Mr. Strobbridge     |
| Mr. Crain        | Mr. Huntington | Mr. Sweeney         |
| Mr. C. F. Crosby | Mr. Jarvis     | Mr. Van Schoonhoven |
| Mr. Dayton       | Mr. Jones      | Mr. Wheeler         |
| Mr. Garretson    | Mr. Knapp      | Mr. Whitney         |

33

Mr. Speaker then put the question whether the House would agree to the amendment made by the committee of the whole to the said bill, providing for the payment to each member of the Lafayette Horse Guards of the sum of one dollar and fifty cents per day, and it was determined in the affirmative.

{ AYES 66 }  
{ NAYS 23 }

The ayes and nays being required by ten members,



Those who voted in the affirmative are

|                 |                |                    |
|-----------------|----------------|--------------------|
| Mr. Bachman     | Mr. Frisbee    | Mr. Morrison       |
| Mr. Bailey      | Mr. G. Goold   | Mr. Niven          |
| Mr. Barber      | Mr. Hall       | Mr. Oakley         |
| Mr. Betts       | Mr. Hannum     | Mr. Pardee         |
| Mr. Bevens      | Mr. Harden     | Mr. Raymond        |
| Mr. Billings    | Mr. Heermans   | Mr. Rice           |
| Mr. Bloss       | Mr. Hervey     | Mr. Rogers         |
| Mr. Boughton    | Mr. Hine       | Mr. Searing        |
| Mr. Bowen       | Mr. Howard     | Mr. Skelton        |
| Mr. J. Brooks   | Mr. Jarvis     | Mr. A. C. Smith    |
| Mr. Brower      | Mr. Johnson    | Mr. Spring         |
| Mr. S. A. Brown | Mr. Kinne      | Mr. J. Stevenson   |
| Mr. Bush        | Mr. D. Lee     | Mr. Strobbridge    |
| Mr. Casner      | Mr. T. R. Lee  | Mr. Tibbits        |
| Mr. Chase       | Mr. Litchfield | Mr. Titus          |
| Mr. Coe         | Mr. M'Carthy   | Mr. Tuthill        |
| Mr. Crain       | Mr. M'Donald   | Mr. Walrath        |
| Mr. Dewey       | Mr. M'Key      | Mr. Wells          |
| Mr. Dickson     | Mr. Mann       | Mr. White          |
| Mr. Edwards     | Mr. Mersereau  | Mr. Wilcox         |
| Mr. Fellows     | Mr. S. Miller  | Mr. Wynant         |
| Mr. Field       | Mr. Morris     | Mr. A. W. Young 66 |

Those who voted in the negative are

|                  |                |              |
|------------------|----------------|--------------|
| Mr. Bagg         | Mr. Hazelton   | Mr. Sager    |
| Mr. Carpenter    | Mr. Hunt       | Mr. Sears    |
| Mr. Comstock     | Mr. Huntington | Mr. Speaker  |
| Mr. C. F. Crosby | Mr. Jones      | Mr. Sweeney  |
| Mr. Dayton       | Mr. Knapp      | Mr. Thompson |
| Mr. Garretson    | Mr. M'Vean     | Mr. Wheeler  |
| Mr. Gregory      | Mr. Mather     | Mr. Whitney  |
| Mr. Harris       | Mr. Russell    | 23           |

Whereupon,

Mr. Speaker put the question whether the House would agree with the committee of the whole in their said report, as amended, and it was determined in the affirmative.

*Ordered*, That the said amendments be engrossed, and the bill have its third reading.

Mr. Carpenter, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to amend an act relative to the common school fund of the town of Edmeston, county of Otsego, passed February 26th, 1828," and found the same correctly engrossed.

*Ordered*, That the said bill do have its third reading.

*Ordered*, That Mr. T. Buel have leave of absence for six days, Mr. C. B. Miller for eight days, Mr. Moulton for six days, Mr. Culver for

seven days, Mr. Wyckoff for seven days, Mr. Fenn for fourteen days, Mr. Fellows for fourteen days, Mr. Bowen for fourteen days, and Mr. Carpenter for eight days.

A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
Albany, February 28, 1845. }

TO THE ASSEMBLY.

I have this day approved and signed the bill entitled "An act extending an act for the relief of the New-York Institution for the instruction of the deaf and dumb."

SILAS WRIGHT.

A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
Albany, March 1, 1845. }

TO THE ASSEMBLY.

I have this day approved and signed the bill entitled "An act to revive an act entitled 'An act for the relief of the Shinecock tribe of Indians,' passed April 19th, 1831."

SILAS WRIGHT.

On motion of Mr. Harden,

The engrossed bill entitled "An act to amend an act relative to the common school fund of the town of Edmeston, county of Oswego, passed February 26th, 1828," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

By unanimous consent,

Mr. Thompson offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the papers relative to the incorporation of the German United Brethren Society, which were laid on the table with the report of the committee on charitable and religious societies, be referred back to that committee.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

On motion of Mr. C. F. Crosby,

The House then adjourned to ten o'clock on Monday morning next.

## MONDAY, MARCH 3, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. M'Donough.

The minutes of Saturday were read and approved.

Mr. T. R. Lee, of Westchester, took the chair, and informed the House that the Speaker was absent from the city, and had assigned to him the duties of the chair in accordance with the seventh rule of the house.

Thereupon,

*Ordered*, That the Clerk transmit a message to the Governor, and also a like message to the Senate, informing that the duties of the chair have been assigned by the Speaker to the Hon. T. R. Lee, in accordance with the seventh rule of this house.

The petition of Jonathan Hasbrouck of the county of Orange, praying for an amendment of the act in relation to Washington's Head Quarters, was read, and referred to the committee on the judiciary.

The petition of sundry mechanics and other citizens of the county of Onondaga, praying for the passage of a law creating a lien upon buildings as a security for the performance of contracts, was read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the county of Genesee, praying for further protection of the rights of married women, was read, and referred to the committee on the judiciary.

Three several petitions of sundry inhabitants of the county of Cortland, praying for the passage of a law making the district attorney of said county a salaried officer, were read, and referred to the committee on the judiciary.

The proceedings of a meeting of sundry inhabitants of the county of Livingston, praying for the establishment of a teacher's institute in each county in this State, were read, and referred to the committee on colleges, academies and common schools.

The petition of sundry inhabitants of the county of Dutchess, praying for the passage of a law making all the common schools of the State free, was read, and referred to the committee on colleges, academies and common schools.

Two several petitions of sundry inhabitants of the counties of Otsego and Tompkins, praying for the passage of a law compelling the banks of this State to redeem their notes at par in the cities of Albany and New-York, were read, and referred to the committee on banks and insurance companies.

The petition of sundry inhabitants of the county of Orleans, praying for a discrimination in the canal tolls of this State, was read, and referred to the committee on canals.

Seven several remonstrances of sundry inhabitants of the counties of Oswego, New-York, Oneida and St. Lawrence, against the adoption of a discriminating system of canal tolls, were read, and referred to the committee on canals.

Five several petitions of sundry inhabitants of the counties of Broome, Lewis and Oneida, praying for the completion of the Black River Canal, were read, and referred to the committee on canals.

The petition of sundry inhabitants of the county of Onondaga, praying for a resumption of the public works, was read, and referred to the committee on canals.

The petition of sundry inhabitants of the county of Livingston, praying for the completion of the Genesee Valley Canal, was read, and referred to the committee on canals.

The petition of sundry inhabitants of the county of Cayuga, praying for the repeal of the law allowing railroad companies to carry freight, was read, and referred to the committee on canals.

The petition of sundry inhabitants of the county of Ulster, praying for the incorporation of a company to construct a turnpike road from Warwarsing to Rochester in said county, was read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the town of Richland in the county of Oswego, praying for the incorporation of a bridge company at Port Ontario, was read, and referred to the committee on roads and bridges.

Two several petitions of sundry inhabitants of the county of Erie, praying for the passage of an act for the erection of a bridge across the Buffalo creek on Abbot's road, at the expense of said county, was read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the county of Chautauque, praying that Big Brokenstraw creek in said county be made a public highway, was read, and referred to the committee on roads and bridges.

The remonstrance of sundry inhabitants of the village of Leroy in the county of Genesee, against a law putting the highways of said village under the control of the commissioners of highways of the town, was read, and referred to the committee on roads and bridges.

The petition of David Quail of the county of Madison, an alien, praying for the passage of a law enabling him to take and hold certain real estate, was read, and referred to the committee on the petitions of aliens.

The petition of the trustees of the village of Williamsburgh in the county of Kings, praying for the passage of an act regulating the burial of the dead in said village, was read, and referred to the committee on the internal affairs of towns and counties.

The petition of sundry inhabitants of the town of Mount-Pleasant in the county of Westchester, praying for relief, was read, and referred to the committee on the internal affairs of towns and counties.

The petition of sundry inhabitants of the village of New-London in the county of Oneida, praying for the incorporation of said village, was read, and referred to the committee on the incorporation of cities and villages.

The petition of sundry inhabitants of the county of Yates, praying for the establishment of a Homœopathic College at the village of Auburn in the county of Cayuga, was read, and referred to the committee on medical societies and colleges.



The petition of sundry inhabitants of the counties of Monroe and Genesee, praying for the passage of a law compelling the Tonawanda Railroad Company to make fences and cattle-guards on their road, was read, and referred to the committee on railroads.

Two several petitions of sundry inhabitants of the county of Schoharie, praying for an alteration of the law of landlord and tenant, were read, and referred to the select committee on that subject.

The petition of sundry inhabitants of the county of Ulster, praying for a reduction of the legal rate of interest to six per centum, was read, and referred to the select committee on that subject.

The remonstrance of sundry inhabitants of the town of Bloomingrove in the county of Orange, against the formation of a new town out of the towns of Bloomingrove, Goshen, Monroe and Warwick in said county, was read, and referred to the committee of the whole when on the bill upon that subject.

The petition of Thomas A. Sherwood of the county of Madison, praying for relief, and claiming an interest in the bill reported for the relief of William Coleman, Abiel West and Joseph Taylor, was read, and referred to the committee of the whole when on the said bill.

Two several remonstrances of sundry inhabitants of the town of Cicero in the county of Onondaga, accompanied with affidavits, against the division of said town, were read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of sundry inhabitants of the town of Rush in the county of Monroe, against any alteration in the charter of the city of Rochester, whereby any authority shall be given for increasing the number of supervisors in said city, was read, and referred to the committee of the whole when on the bill upon that subject.

Two several remonstrances of sundry inhabitants of the city of Utica, and the village of Stockbridge in the county of Madison, against the incorporation of the American and Foreign Bible Society, were read, and referred to the committee of the whole when on the bill upon that subject.

Five several petitions of sundry inhabitants of the counties of Cayuga, Livingston, Jefferson, Orange and Monroe, praying for the passage of a law submitting the question of license to the people of the several cities and towns, were read, and referred to the committee of the whole when on the bill upon that subject.

Six several petitions of sundry inhabitants of the counties of Steuben, Chemung and Tioga, praying for the consent of the Legislature that the New-York and Erie Railroad Company may construct their road in the State of Pennsylvania, were read, and referred to the committee of the whole when on the bill upon that subject.

Five several remonstrances of sundry inhabitants of the counties of Orange, Otsego and Ulster, against locating the New-York and Erie railroad out of this State, were read, and referred to the committee of the whole when on the bill upon that subject.

Three several petitions of sundry inhabitants of the counties of Livingston, Herkimer and Cayuga, praying for the passage of a penal law to suppress licentiousness, were read, and referred to the committee of the whole when on the bill upon that subject.

Mr. Morrison, from the committee on railroads, to which was re-committed the bill entitled "An act to incorporate the Troy and Greenbush Railroad Association," reported, that the committee had gone through the said bill, made sundry amendments thereto, and, as amended, saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Morrison, from the committee on railroads, to which was referred the petition of sundry inhabitants of the counties of Madison and Otsego, relative to the charter of the Utica and Susquehannah Railroad Company, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Morrison accordingly brought in the said bill, entitled "An act to amend an act entitled 'An act to incorporate the Utica and Susquehannah Railroad Company,' passed April 25, 1832 ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Morrison, from the committee on railroads, to which was referred the several petitions relative to tolls upon railroads, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Morrison accordingly brought in the said bill, entitled "An act to impose tolls on the Mohawk and Hudson Railroad Company ;" which was read the first time, and by unanimous consent was also read a second time, and, on motion of Mr. Van Schoonhoven, referred to the committee of the whole when on the bill entitled "An act to incorporate the Troy and Greenbush Railroad Association."

Mr. Morrison, from the committee on railroads, to which was referred the several petitions relative to tolls upon railroads, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Morrison accordingly brought in the said bill, entitled "An act imposing tolls on the Troy and Schenectady Railroad Company ;" which was read the first time, and by unanimous consent was also read a second time, and, on motion of Mr. Van Schoonhoven, referred to the committee of the whole when on the bill entitled "An act to incorporate the Troy and Greenbush Railroad Association."

Mr. Morrison, from the committee on railroads, to which was referred a resolution heretofore offered by Mr. A. H. Buell, relative to certain railroad statistics, and the number of persons presented with free tickets on the several railroads of this State, and requiring the said railroad companies to report the same to this House, reported unfavorably to the adoption of the said resolution, and concluded by offering for the consideration of the House the following resolution, to wit :

*Resolved*, That the committee on railroads be discharged from the further consideration of the subject.

Mr. Chase moved to lay the said report and resolution on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Chase, and it was determined in the affirmative.

Mr. Chase, from the committee on the internal affairs of towns and

counties, to which was referred the petition of sundry inhabitants of the village of South-Middletown in the county of Orange, for an amendment of the act relative to a fire engine company in said village, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Chase accordingly brought in the said bill, entitled "An act to increase the members of fire company number two in the village of South-Middletown, Orange county;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the petition of the board of supervisors of the county of Wayne, praying for the passage of a law to abolish the poor-house system in said county, reported unfavorably to the prayer of the petitioners, and offered the following resolution, to wit :

*Resolved*, That the prayer of the petitioners ought not to be granted.

On motion of Mr. Chase,

*Ordered*, That the said resolution be laid on the table.

By unanimous consent,

Mr. Harris moved that three times the usual number of copies of the testimony relative to the Troy and Greenbush Railroad Association, be printed.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Harris, and it was determined in the affirmative.

*Ordered*, That Mr. Crain have leave of absence for four days, Mr. Searing for seven days, Mr. D. Gould for eight days, Mr. Sherman for seven days, Mr. Blake for seven days, Mr. T. Buel for ten days, Mr. E. Crosby for ten days, Mr. Tibbits for nine days, Mr. Pierce for seven days, and Mr. Dickson for ten days.

Mr. Hine, from the committee on the erection and division of towns and counties, to which was referred the petition of sundry inhabitants of the village of Whitestown in the county of Oneida, to have a portion of the territory included within the limits of said village set off from the same, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Hine accordingly brought in the said bill, entitled "An act to set off a part of the corporation of the village of Whitestown in the county of Oneida;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the petition of sundry inhabitants of the counties of Cattaraugus and Erie, for the alteration of certain dams across Cattaraugus creek, so as to permit fish to ascend said stream, reported, and offered the following resolution, to wit :

*Resolved*, That the committee on the internal affairs of towns and counties be discharged from the consideration of the petition relative to certain dams across Cattaraugus creek, and that the same be referred to the committee on the judiciary.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.



By unanimous consent,

Mr. Morrison moved that the committee on railroads be instructed by the House to report a general bill, applicable to the several railroad companies of this State, imposing certain restrictions and regulations upon the same.

*Ordered*, That the said motion be laid on the table.

By unanimous consent,

Mr. Russell, from the committee on the judiciary, to which was referred the petition of the supervisors of the county of Warren, relative to the fees of the district attorney of said county, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Russell accordingly brought in the said bill, entitled "An act relative to fees of district attorney of the county of Warren;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

The report of the Secretary of State, pursuant to the resolution of the Assembly of February 2d, 1843, relative to railroad statistics, was received and read.

[See Document No. 129.]

On motion of Mr. Harris,

*Ordered*, That five times the usual number of copies of said report be printed for the use of the Legislature.

The engrossed bill from the Senate, entitled "An act to pay the militia called into service in December 1844 and January 1845, and for other purposes," with the engrossed amendments, was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill and amendments, and it was determined in the affirmative.

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same with the amendments thereto therewith delivered.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act further to amend the act entitled 'An act relative to the city of Albany,' passed April 16th, 1842," without amendment.

*Ordered*, That the Clerk deliver the said bill to the Governor.

A message from the Senate, with the bill therein mentioned, was received and read, informing that the Senate have passed the bill entitled "An act to confirm the official acts of Alpheus Dimmick, as a master in chancery," and request the concurrence of the Assembly in the same.

The said bill was read the first time, and by unanimous consent was also read a second time.

By unanimous consent,

Mr. Harris moved that the said bill be now read the third time.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Harris, and it was determined in the affirmative.



Whereupon,

The said engrossed bill from the Senate was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

Mr. Huntington moved that the House resolve itself into a committee of the whole, on the bill entitled "An act to amend an act in relation to State prisons, passed May 1st, 1844."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Huntington, and it was determined in the negative.

{ AYES 40 }  
{ NAYS 42 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Barber      | Mr. Hall       | Mr. Oakley          |
| Mr. Betts       | Mr. Hannum     | Mr. Raymond         |
| Mr. Bevins      | Mr. Hazelton   | Mr. Rice            |
| Mr. Bloss       | Mr. Howard     | Mr. Russell         |
| Mr. Boughton    | Mr. Hunt       | Mr. Sears           |
| Mr. S. A. Brown | Mr. Huntington | Mr. Spring          |
| Mr. Cameron     | Mr. Jarvis     | Mr. J. Stevenson    |
| Mr. Coe         | Mr. Johnson    | Mr. Strobbridge     |
| Mr. Edwards     | Mr. Litchfield | Mr. Tibbits         |
| Mr. Field       | Mr. M'Vean     | Mr. Titus           |
| Mr. Frisbee     | Mr. Mann       | Mr. Van Schoonhoven |
| Mr. Garretson   | Mr. Mather     | Mr. Wynant          |
| Mr. G. Goold    | Mr. Mersereau  | Mr. A. W. Young     |
| Mr. Gregory     |                |                     |

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Those who voted in the negative are

|                  |               |                     |
|------------------|---------------|---------------------|
| Mr. Bagg         | Mr. Harden    | Mr. Sager           |
| Mr. Bailey       | Mr. Hervey    | Mr. Skelton         |
| Mr. J. Brooks    | Mr. Hine      | Mr. A. C. Smith     |
| Mr. M. Brooks    | Mr. Kinne     | Mr. W. Smith        |
| Mr. Brower       | Mr. Knapp     | Mr. Sweeney         |
| Mr. L. H. Brown  | Mr. T. R. Lee | Mr. Thompson        |
| Mr. Chase        | Mr. M'Carthy  | Mr. Tutbill         |
| Mr. Comstock     | Mr. M'Donald  | Mr. Van Valkenburgh |
| Mr. Constant     | Mr. M'Key     | Mr. Walrath         |
| Mr. C. F. Crosby | Mr. S. Miller | Mr. Wells           |
| Mr. Danforth     | Mr. Niven     | Mr. Wheeler         |
| Mr. Dayton       | Mr. Preston   | Mr. White           |
| Mr. Dewey        | Mr. Rogers    | Mr. Whitney         |
| Mr. Fonda        | Mr. Ross      | Mr. J. Young        |

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On motion of Mr. Bailey,

The House then again resolved itself into a committee of the whole, on the amendments to the Constitution; and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Constant, from the said committee, reported progress, and asked for leave to sit again.

On motion of Mr. Whitney,

The House then adjourned to ten o'clock to-morrow morning.

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## TUESDAY, MARCH 4, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Pohlman.

The House was called to order by James R. Rose, Clerk, who informed the House that the Hon. Horatio Seymour, Speaker, and the Hon. William C. Crain, Speaker *pro tempore* of this House, were both absent, and that it became the duty of the House to appoint a Speaker *pro tempore* during their absence.

Whereupon, on motion of Mr. Niven,

*Resolved unanimously*, That the Hon. Thomas R. Lee be, and he is hereby appointed Speaker *pro tempore* of the Assembly, during the absence of the Hon. Horatio Seymour, Speaker, and of the Hon. William C. Crain, Speaker *pro tempore* of the Assembly.

The Speaker *pro tempore* having taken the chair,

The minutes of yesterday were read and approved.

The petition of Eli Lake of the county of Livingston, praying for damages, on account of the construction of the Genesee Valley Canal, was read, and referred to the committee on grievances.

The petition of John Townsend and others of the city of Albany, praying for the passage of a law to extend the wharf between Hamilton and Lydius-street in said city, was read, and referred to the committee on the internal affairs of towns and counties.

The petition of sundry inhabitants of the town of Mount-Pleasant in the county of Westchester, praying for a modification of the charter of the village of Singing, so far as it interferes with the rights and interests of the said town of Mount-Pleasant, was read, and referred to the committee on the internal affairs of towns and counties.

Two several petitions of sundry inhabitants of the county of Cortland, praying for the passage of a law making the office of district attorney of said county a salary office, were read, and referred to the committee on the judiciary.

Two several remonstrances of sundry inhabitants of the village of West-Troy in the county of Albany, against the creation of the office of police justice in said village, were read, and referred to the committee on the judiciary.

The petition of Henry Rector of the city of Albany, praying for the

passage of a law in relation to his claim against the State for services in the erection of the New State Hall, was read, and referred to the committee on claims.

The petition of sundry inhabitants of the county of Saratoga, praying for the passage of a law to alter the tax laws, was read, and referred to the committee on ways and means.

The petition of sundry inhabitants of the county of Orange, on the subject of colleges, academies and common schools, was read.

Mr. J. Brooks moved to refer the said petition to a select committee.

Mr. Niven moved to refer the said petition to the committee on colleges, academies and common schools.

Debates were had thereon; when

Mr. Walrath called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Whereupon,

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Niven, to refer the said petition to the committee on colleges, academies and common schools, and it was determined in the affirmative.

The petition of sundry inhabitants of the town of Hinsdale in the county of Cattaraugus, praying for the erection of a new town from a part of said town of Hinsdale, was read, and referred to the committee on the erection and division of towns and counties.

Five several petitions of sundry inhabitants of the town of Chenango in the county of Broome, praying for a division of said town, were read, and referred to the committee on the erection and division of towns and counties.

Two several remonstrances of sundry inhabitants of the towns of Olive and Hurley in the county of Ulster, against the annexation of any portion of the said town of Hurley to the town of Kingston in the said county, were read, and referred to the committee on the erection and division of towns and counties.

Two several resolutions passed in town meeting in the towns of Perrysburgh and Dayton in the county of Cattaraugus, in favor of the erection of a new county from parts of the counties of Cattaraugus, Erie and Chautauque, were read, and referred to the committee on the erection and division of towns and counties.

The remonstrance of sundry inhabitants of the county of Cattaraugus, against any division of said county, was read, and referred to the committee on the erection and division of towns and counties.

Two several remonstrances of sundry inhabitants of the counties of Cayuga and Onondaga, against compelling the banks of this State to redeem their notes at par in the city of New-York, were read, and referred to the committee on banks and insurance companies.

The petition of Charles Evans and others of the village of Lockport in the county of Niagara, praying for an amendment of the laws imposing a tax on banking associations, was read, and referred to the committee on banks and insurance companies.

Four several petitions of sundry inhabitants of the counties of Orange, Westchester and Columbia, praying for the passage of a law to abolish the office of county superintendent of common schools, were read, and referred to the committee on colleges, academies and common schools.

Seven several petitions of sundry inhabitants of the counties of Erie and Chautauque, praying for the passage of a law to protect the revenue of the Erie canal, against the competition of the Welland canal in Canada, were read, and referred to the committee on canals.

Four several remonstrances of sundry inhabitants of the counties of Oswego, Madison and New-York, against a discrimination of tolls on the Erie canal, were read, and referred to the committee on canals.

The petition of sundry inhabitants of the county of Lewis, praying for the construction of the Black River Canal, was read, and referred to the committee on canals.

The memorial of sundry inhabitants of the county of Madison, on the subject of Texas, was read, and ordered to be laid on the table.

Five several remonstrances of sundry inhabitants of the county of Ulster, against allowing the New-York and Erie Railroad Company to interfere in any manner with the rights of the Delaware and Hudson Canal Company, were read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of sundry inhabitants of the county of Erie, against the incorporation of the American and Foreign Bible Society, was read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Madison, praying for the passage of a law to punish licentiousness, was read, and referred to the committee of the whole when on the bill upon that subject.

Eleven several petitions of sundry inhabitants of the counties of Greene, Genesee, Rensselaer, Saratoga, Onondaga, Erie and Livingston, praying for the passage of a law submitting the question of license to the people of the several cities and towns, were read, and referred to the committee of the whole when on the bill upon that subject.

Fifteen several petitions of sundry inhabitants of the county of Rensselaer, praying for an alteration of the law of landlord and tenant, were read, and referred to the select committee on that subject.

The remonstrance of sundry inhabitants of the county of Livingston, against a reduction of the rate of interest to six per centum, was read, and referred to the select committee on that subject.

Fourteen several petitions of sundry inhabitants of the counties of Steuben, New-York, Allegany and Cattaraugus, praying for the passage of a law authorising the New-York and Erie Railroad Company to locate a certain portion of their road in the State of Pennsylvania, were read, and referred to the committee of the whole when on the bill upon that subject.

Five several remonstrances of sundry inhabitants of the county of Sullivan, against allowing the New-York and Erie Railroad Company to locate any portion of their road in the State of Pennsylvania, were read, and referred to the committee of the whole when on the bill upon that subject.



The remonstrance of sundry inhabitants of the town of Shawangunk in the county of Ulster, against raising money in said county to build a bridge in the town of New-Paltz, was read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Wyoming, praying for the incorporation of the Attica and Hornellsville Railroad Company, was read, and referred to the committee of the whole when on the bill upon that subject.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was recommitted the bill entitled "An act to extend the docks in the city of Albany south of Hamilton-street," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the petition of the board of supervisors of the county of Erie, praying for the passage of an act authorising the said board to establish a work-house in said county, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Chase accordingly brought in the said bill, entitled "An act authorising the board of supervisors of Erie county to borrow five thousand dollars, for erecting a work-house;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the petition of J. F. Mack of the city of Rochester, relative to school district number two of said city, reported favorably to the prayer of the petitioner, and asked leave to bring in a bill.

Leave being granted, Mr. Chase accordingly brought in the said bill, entitled "An act relative to school district number two in the city of Rochester;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the petition of the mayor and common council of the city of New-York, relative to the corporation ordinances of said city, reported unfavorably to the prayer of the petitioners, and offered the following resolution, to wit :

*Resolved*, That the committee on the internal affairs of towns and counties be discharged from the further consideration of the petition relative to the corporation ordinances of the city of New-York.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Garretson, from the committee on charitable and religious societies, to which was referred the petition of sundry inhabitants residing on the late Indian reservation in Erie county, praying for the incorporation of a society, to be called the Community of Free Inspiration, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Garretson accordingly brought in the said bill, entitled "An act to incorporate the Community of Free Inspiration in the county of Erie;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Niven, from the committee on the rules and orders of the house, asked for and obtained leave to report an additional rule, in the words following, to wit :

No member shall occupy the floor, when speaking upon any subject before the house or in committee of the whole, more than one hour at one time.

Mr. Chase moved to amend the report of the said committee, by substituting in the said rule the words "half an hour," for the words "one hour."

Debates were had thereon ; when

Mr. Walrath called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the negative.

{ AYES 16 }  
{ NAYS 69 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |              |             |
|-----------------|--------------|-------------|
| Mr. Billings    | Mr. Hazelton | Mr. Niven   |
| Mr. Blake       | Mr. Hine     | Mr. Pardee  |
| Mr. J. Brooks   | Mr. M'Carthy | Mr. Titus   |
| Mr. Brower      | Mr. M'Donald | Mr. Tuthill |
| Mr. S. A. Brown | Mr. Morris   | Mr. Walrath |
| Mr. Hall        |              |             |

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Those who voted in the negative are

|                 |                |                  |
|-----------------|----------------|------------------|
| Mr. Bachman     | Mr. G. Gould   | Mr. Oakley       |
| Mr. Bagg        | Mr. Gregory    | Mr. Preston      |
| Mr. Bailey      | Mr. Hannum     | Mr. Raymond      |
| Mr. Barber      | Mr. Harden     | Mr. Rice         |
| Mr. Betts       | Mr. Harris     | Mr. Rogers       |
| Mr. Bevens      | Mr. Heermans   | Mr. Ross         |
| Mr. Bloss       | Mr. Hervey     | Mr. Sears        |
| Mr. L. H. Brown | Mr. Howard     | Mr. Skelton      |
| Mr. Bunker      | Mr. Hunt       | Mr. A. C. Smith  |
| Mr. Cameron     | Mr. Huntington | Mr. W. Smith     |
| Mr. Casner      | Mr. Jarvis     | Mr. Spring       |
| Mr. Chase       | Mr. Johnson    | Mr. J. Stevenson |
| Mr. Coe         | Mr. Jones      | Mr. Sweeney      |

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Comstock     | Mr. Knapp      | Mr. Thompson        |
| Mr. Constant     | Mr. D. Lee     | Mr. Van Schoonhoven |
| Mr. C. F. Crosby | Mr. Litchfield | Mr. Van Valkenburgh |
| Mr. Dewey        | Mr. M'Key      | Mr. Wells           |
| Mr. Edwards      | Mr. M'Vean     | Mr. Wheeler         |
| Mr. Field        | Mr. Mann       | Mr. White           |
| Mr. Fonda        | Mr. Mather     | Mr. Whitney         |
| Mr. Frisbee      | Mr. Mersereau  | Mr. Winant          |
| Mr. Garretson    | Mr. S. Miller  | Mr. A. W. Young     |
| Mr. Giffard      | Mr. Morrison   | Mr. J. Young        |

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The question then recurred on the amendment offered by Mr. Chase. Whereupon,

*Ordered*, That the said report and amendment be laid on the table.

Mr. Hine, from the committee on the erection and division of towns and counties, to which was referred the petition of sundry inhabitants of the town of Florence in the county of Oneida, asking to be set off to the town of Camden, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Hine accordingly brought in the said bill, entitled "An act to annex a part of the town of Florence to the town of Camden;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Whitney, from the committee on medical societies and colleges, to which was referred the petition of the New-York Dispensaries, for an appropriation, reported in writing, and asked leave to bring in a bill.

[See Document No. 140.]

Leave being granted, Mr. Whitney accordingly brought in the said bill, entitled "An act to amend an act entitled 'An act to enable the Dispensaries of New-York to extend their benefits,' passed April 21st, 1841;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Thompson, from the committee on charitable and religious societies, to which was referred the petition of sundry citizens of the city of Buffalo, praying for relief to the indigent families, the heads of which have been sent to the State prison, reported the following resolution:

*Resolved*, That the petition be referred to the committee on state prisons, to inquire into the expediency of increasing the amount of money now given to each convict at the time of leaving prison.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Boughton, from the committee on grievances, to which was referred the petition of Amos W. Scriven, for relief, reported favorably to the prayer of the petitioner, and asked leave to bring in a bill.

Leave being granted, Mr. Boughton accordingly brought in the said bill, entitled "An act for the relief of Amos W. Scriven;" which was

read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Ross, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to condense and amend the several acts relating to the village of Geneseo," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Ross, from the committee on the incorporation of cities and villages, to which was referred the petition of the mayor and common council of the city of New-York, relative to Thirtythird-street in said city, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Ross accordingly brought in the said bill, entitled "An act to sanction the regulation of the mayor and common council of the city of New-York;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Ross, from the committee on the incorporation of cities and villages, to which was referred the petition of sundry inhabitants of the village of Leroy in the county of Genesee, praying for an amendment of the charter of said village, reported unfavorably to the prayer of the petitioners, and offered the following resolution, to wit :

*Resolved*, That the committee on the incorporation of cities and villages be discharged from the further consideration of the petition for an amendment of the charter of the village of Leroy.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

The hour of twelve o'clock at noon having arrived, the Chair announced the special order of the House, being the amendments to the Constitution.

Mr. Constant moved to postpone the said special order, until the order of business of "Motions, resolutions and notices," shall have been reached and disposed of.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Constant, and it was determined in the affirmative.

Mr. Tefft, from the committee on claims, to which was referred the petition of John Oliphant, for relief, reported unfavorably to the prayer of the petitioner, and offered the following resolution, to wit :

*Resolved*, That the committee on claims be discharged from the further consideration of the petition of John Oliphant.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Tefft, from the committee on claims, to which was referred the petition of the heirs of Thomas Mott deceased, praying for a grant of bounty lands, on account of revolutionary services, reported in writing, and asked leave to bring in a bill.



Leave being granted, Mr. Tefft accordingly brought in the said bill, entitled "An act for the relief of the heirs of Thomas Mott ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the bill entitled "An act to extend to the county of Richmond the provisions of the act entitled 'An act for the better security of mechanics and others erecting buildings and furnishing materials therefor in the city and county of New-York,' passed April 29th, 1844," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered,* That the said bill be committed to a committee of the whole house.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the petition of Jacob Scramling, for a divorce, reported in writing, and asked leave to bring in a bill.

[See Document No. 139.]

Leave being granted, Mr. T. R. Lee accordingly brought in the said bill, entitled "An act for the relief of Jacob Scramling ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the petition of three hundred and fifty mechanics and others of the county of Onondaga, for the passage of a law relative to liens upon buildings, reported unfavorably to the prayer of the petitioners, and offered the following resolution, to wit :

*Resolved,* That the committee on the judiciary be discharged from the further consideration of the petition for the passage of a lien law for the county of Onondaga.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the bill entitled "An act for the protection of persons keeping boarding houses in the city of New-York," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered,* That the said bill be committed to a committee of the whole house.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the petition of sundry inhabitants of the village of Saratoga-Springs in the county of Saratoga, for the passage of an act providing for the appointment of a police justice in said village, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. T. R. Lee accordingly brought in the said bill, entitled "An act to provide for the appointment of a police justice in the village of Saratoga-Springs ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the petition of Horace Ely, a collector of taxes in the town of Warren in the county of Herkimer, praying for the passage of an act to extend the time for the collection of taxes in the said town, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. T. R. Lee accordingly brought in the said bill, entitled "An act to extend the time for the collection of taxes in the town of Warren, county of Herkimer;" which was read the first time, and by unanimous consent was also read a second time.

By unanimous consent,

Mr. Russell moved that the said bill be ordered to be engrossed for a third reading.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Russell, and it was determined in the affirmative.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the petition of sundry inhabitants of the county of Monroe, for the passage of an act to abolish the law authorising imprisonment for costs in courts of record, reported unfavorably to the prayer of the petitioners, and offered the following resolution, to wit :

*Resolved*, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the bill relative to certain amendments to the Revised Statutes, and also the bill entitled "An act to authorise the reference of certain actions at law," reported, that the committee had examined the said bills, and incorporated them both into one, retaining the title of the last mentioned bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Tefft, from the committee on claims, to which was referred the petition of Charles T. Carter, for compensation for damages done his canal boat, reported unfavorably to the prayer of the petitioner, and offered the following resolution, to wit :

*Resolved*, That the committee on claims be discharged from the further consideration of the petition of Charles T. Carter.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

The report of the Canal Board, on the reference of the petition of C. C. Van Vranken, was received and read.

[See Document No. 157.]

On motion of Mr. C. F. Crosby,

*Ordered*, That the said report be referred to the committee on grievances.

The statement of the New-York Guardian Insurance Company of the city of New-York, in conformity with the resolution of the Assembly of the eighth of February, 1845, was received and read.

[See Document No. 128.]

*Ordered*, That the said report be laid on the table.

On motion of Mr. Constant,

*Resolved*, That the Speaker *pro tempore* appoint a committee to wait upon the Governor, and inform him that this House have appointed the Hon. Thomas R. Lee Speaker *pro tempore*, during the absence of the Hon. Horatio Seymour, Speaker, and the Hon. William C. Crain, Speaker *pro tempore* of this House.

On motion of Mr. Van Valkenburgh,

*Resolved*, That the Speaker *pro tempore* appoint a committee to wait upon the Senate with a like message.

Whereupon,

Mr. Speaker appointed Mr. Constant and Mr. A. C. Smith a committee to wait upon the Governor, and Mr. Van Valkenburgh and Mr. Wheeler a committee to wait upon the Senate.

Mr. Oakley offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That on and after Monday next, this House will hold an afternoon session from four to six o'clock, to be devoted to general orders.

*Ordered*, That the said resolution be laid on the table.

Mr. A. C. Smith offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, (if the Senate concur,) That the two Houses of the Legislature adjourn on the twenty-second day of April next, at twelve o'clock at noon.

*Ordered*, That the said resolution be laid on the table.

Mr. Thompson offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill to incorporate the Mutual Benefit Life Insurance Company of the city of New-York, be committed to the committee of the whole house having under consideration the bill to incorporate the New-York State Insurance Company.

*Ordered*, That the said resolution be laid on the table.

Mr. Constant, from the committee appointed to wait upon the Governor, and inform him of the appointment by this House of the Hon. Thomas R. Lee Speaker *pro tempore*, reported that the committee had discharged that duty.

Mr. Van Valkenburgh, from the committee appointed to wait upon the Senate, and inform them of the appointment by this House of the Hon. Thomas R. Lee Speaker *pro tempore*, reported that the committee had discharged that duty.

Mr. Niven offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the standing committee on colleges, academies and common schools, be instructed to report on sundry petitions now in their hands, for a radical change in the school laws of the State, on Friday next.

*Ordered*, That the said resolution be laid on the table.

Mr. Garretson offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill entitled "An act relating to excise, and to licensing of retailers of intoxicating liquors," be made the special order for Thursday next at twelve o'clock.

*Ordered*, That the said resolution be laid on the table.

On motion of Mr. Walrath,

*Resolved*, That the Clerk of this House communicate a respectful message to the Hon. the Senate, requesting them to transmit to this House the petition and papers relating to the application of sundry inhabitants of the town and county of Madison, for permission to use two miles of the towing path on the Chenango canal as a public highway; and that the same be referred to the committee on canals.

Mr. Worden offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill relative to excise and licensing retailers of intoxicating liquors, be made the special order for Thursday next at twelve o'clock at noon.

Mr. Morrison moved to amend the said resolution, by inserting "four o'clock in the afternoon," in place of "twelve o'clock at noon."

Mr. D. Lee moved to amend the said resolution, so as to make said bill the special order at four o'clock this afternoon.

Mr. Bailey moved to lay the said resolution on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Bailey, and it was determined in the negative.

{ AYES 21 }  
{ NAYS 60 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|              |               |                 |    |
|--------------|---------------|-----------------|----|
| Mr. Bachman  | Mr. Heermans  | Mr. Morris      |    |
| Mr. Bailey   | Mr. Jones     | Mr. Russell     |    |
| Mr. Betts    | Mr. Kinne     | Mr. Skelton     |    |
| Mr. Brower   | Mr. T. R. Lee | Mr. A. C. Smith |    |
| Mr. Constant | Mr. M'Carthy  | Mr. Walrath     |    |
| Mr. Fonda    | Mr. M'Key     | Mr. White       |    |
| Mr. Hazelton | Mr. Mersereau | Mr. Whitney     | 21 |

Those who voted in the negative are

|                 |              |             |
|-----------------|--------------|-------------|
| Mr. Barber      | Mr. G. Goold | Mr. Preston |
| Mr. Bevens      | Mr. Hannum   | Mr. Raymond |
| Mr. Billings    | Mr. Harden   | Mr. Rice    |
| Mr. Blake       | Mr. Hervey   | Mr. Rogers  |
| Mr. Bloss       | Mr. Hine     | Mr. Ross    |
| Mr. J. Brooks   | Mr. Howard   | Mr. Sager   |
| Mr. S. A. Brown | Mr. Hunt     | Mr. Searing |



|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Bunker       | Mr. Huntington | Mr. Sears           |
| Mr. Cameron      | Mr. Jarvis     | Mr. W. Smith        |
| Mr. Casner       | Mr. D. Lee     | Mr. J. Stevenson    |
| Mr. Chase        | Mr. Litchfield | Mr. Strobridge      |
| Mr. Coe          | Mr. M'Donald   | Mr. Sweeney         |
| Mr. Comstock     | Mr. M'Vean     | Mr. Thompson        |
| Mr. C. F. Crosby | Mr. Mann       | Mr. Titus           |
| Mr. Dewey        | Mr. Mather     | Mr. Van Schoonhoven |
| Mr. Edwards      | Mr. S. Miller  | Mr. Wells           |
| Mr. Field        | Mr. Morrison   | Mr. Wheeler         |
| Mr. Frisbee      | Mr. Niven      | Mr. Worden          |
| Mr. Garretson    | Mr. Oakley     | Mr. A. W. Young     |
| Mr. Giffard      | Mr. Pardee     | Mr. J. Young        |

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The question recurred on the amendment offered by Mr. D. Lee.

Mr. D. Lee withdrew his said amendment.

Mr. Morrison withdrew his said amendment.

Mr. Worden amended his said resolution, so as to provide that a special session be held on Thursday next at four o'clock in the afternoon, to consider the said bill.

*Ordered*, That the said resolution be laid on the table.

Mr. Van Schoonhoven offered for the consideration of the House a preamble and resolution, in the words following, to wit :

WHEREAS the People of the United States, in the organization of the General Government, did frame, ratify and declare an organic or fundamental law, denominated the "Constitution of the United States," designed not only to secure the union of the several States and promote the general welfare of the whole country, but especially and pre-eminently to secure the blessings of liberty to themselves and their posterity :

And whereas by an existing law of the State of South-Carolina, passed December 29th, 1835, the rights, privileges and immunities, and especially the personal liberty, of a large and very worthy portion of the free citizens of the State of New-York are directly infringed upon and violated ; the same being in direct conflict with, and utter disregard of, the provisions of said Constitution :

And whereas it is the duty of this, and of every other State of the Union, to watch over and protect all, and especially the most valuable and sacred rights of the citizens thereof, with incessant and untiring vigilance, and ever to manifest a promptness and determination to assert and vindicate these rights in all lawful ways :

Therefore,

*Resolved*, That (the Senate concurring) the Legislature of this State do hereby most solemnly protest against the said law, so as aforesaid passed by the State of South-Carolina ; and that His Excellency the Governor of New-York be, and he is hereby requested to communicate forthwith upon this subject with His Excellency the Governor of South-Carolina, transmitting a copy of the foregoing preamble and of this resolution, and earnestly to request of said State the repeal of any and every provision of said law referred to, inconsistent with the spirit and principles of said preamble, at the earliest possible day.

*Ordered*, That the said resolution be laid on the table.

The House then proceeded to the consideration of the resolution heretofore offered by Mr. Constant, in the words following, to wit :

*Resolved*, That on Monday of each week, immediately after the presentation of petitions, the next order of business shall be the general orders, and no other order of business shall be acted on during that day.

Mr. Walrath moved to amend the said resolution, by inserting after the word "Monday," the words "and Thursday."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Walrath, and it was determined in the affirmative.

The question recurred on agreeing to the said resolution, as amended.

Debates were had thereon ; when

Mr. Niven moved the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Whereupon,

Mr. Speaker put the question whether the House would agree to the said resolution, as amended, and it was determined in the affirmative.

A message from the Senate, with the bills therein mentioned, was received and read, informing that the Senate have passed the bill entitled "An act for the relief of the American Seamen's Friend Society in the city of New-York," and the bill entitled "An act for the relief of Jason C. Osgood and Daniel F. Kellogg of the county of Madison," and request the concurrence of the Assembly in the same.

The said bills were severally read the first time, and by unanimous consent were also read a second time, and the bill entitled "An act for the relief of the American Seamen's Friend Society in the city of New-York," was referred to the committee on charitable and religious societies ; and the bill entitled "An act for the relief of Jason C. Osgood and Daniel F. Kellogg of the county of Madison," was referred to the committee on canals.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act to amend an act relative to the common school fund of the town of Edmeston, county of Otsego, passed February 26th, 1828," without amendment.

*Ordered*, That the Clerk deliver the said bill to the Governor.

Mr. Morrison offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That it be referred to the Attorney General, for his opinion whether there is any provision in the Constitution of this State, which prohibits the Legislature from passing laws restricting the rights of any class of corporations by a general bill.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. J. Young offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That this House will hold an afternoon session on Thursday next at four o'clock, to consider the bill entitled "An act relating to

excise, and to licensing retailers of intoxicating liquors," and on each succeeding day except Sundays, until the said bill shall be finally disposed of.

The said resolution having been read,

Mr. J. Young moved the previous question on the same.

The Chair stated that the previous question was not in order, for the reason that the said resolution was not debatable for the day, under the rules.

Mr. J. Young appealed from the decision of the Chair.

Debates were had thereon; when

Mr. Mather moved the previous question.

Mr. Wheeler moved that the House adjourn.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Wheeler, and it was determined in the negative.

The question then recurred on the motion made by Mr. Mather.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Thereupon,

Mr. Speaker put the the question, "Shall the decision of the Chair stand as the judgment of the House?" and it was determined in the affirmative.

Whereupon,

*Ordered*, That the said resolution be laid on the table.

Mr. Bloss offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the use of the Assembly chamber be granted to Mr. George C. Beckwith, in behalf of the New-York Peace Society, to deliver a lecture, this evening, on the subject of attaining universal peace among all civilized nations.

*Ordered*, That the said resolution be laid on the table.

Mr. Blake offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That this House will hereafter meet at four o'clock every afternoon (excepting Saturdays), for the purpose of considering the proposed amendments to the Constitution, and unfinished business generally.

*Ordered*, That the said resolution be laid on the table.

Mr. Mather gave notice that he would, at an early day, ask leave to introduce a bill relative to notices of suits in chancery, affecting the title to real estate in the city and county of New-York.

In pursuance of previous notice, Mr. Mather asked for and obtained leave to bring in a bill, entitled "An act relative to sheriffs' fees;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

Mr. Niven offered for the consideration of the House two several resolutions, in the words following, to wit :

*Resolved*, That the debate on the amendments of the Constitution, in committee of the whole, shall not be continued after Thursday the sixth instant.



*Resolved*, That final action on this subject shall be had on or before the eighth instant.

*Ordered*, That the said resolutions be laid on the table.

The House then proceeded to the consideration of the resolution heretofore offered by Mr. Garretson, in the words following, to wit :

*Resolved*, (if the Senate concur,) That this Legislature will adjourn on Tuesday the eighth day of April next.

Mr. Bailey moved to postpone the further consideration of the said resolution until the eighth day of April next.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Bailey, and it was determined in the affirmative.

Mr. Worden offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That this House will, on Monday next, hold a session at four o'clock in the afternoon, for the purpose of acting upon the bills relating to the license law.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

In pursuance of previous notice, Mr. Worden asked for and obtained leave to bring in a bill, entitled "An act to preserve the peace and enforce the laws of this State;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

A message from the Senate, with the bill therein mentioned, was received and read, informing that the Senate have passed the bill entitled "An act for the relief of John H. T. Smith," and request the concurrence of the Assembly in the same.

The said bill was read the first time, and by unanimous consent was also read a second time, and referred to the committee on claims.

A message from the Senate, with the bill therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act to pay the guard of one hundred enlisted men, for the protection of the jail in the city of Hudson," and request the concurrence of the Assembly in the same.

The said bill was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the militia and public defence.

The House then proceeded to the consideration of the resolution heretofore offered by Mr. Coe, in the words following, to wit :

*Resolved*, That the Canal Commissioners report to this House, whether any and what public works on the unfinished lateral canals have been protected or secured from injury, by virtue of the fifth and sixth sections of the act entitled "An act to provide for the preservation of certain public works, and for other purposes," passed May 6, 1844; and if the requirements of section fifth of said act have not been complied with, what cause has prevented such compliance.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Niven presented a statistical table, exhibiting the residences, occupation, age, birthplace, etc. of the members of the Legislature, and offered the following resolution, to wit :



*Resolved*, That ten times the usual number of the statistics of the Assembly, &c., prepared by Isaac C. Sheldon, be printed.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

[See Document No. 205.]

Mr. Hannum gave notice that he would, at an early day, ask leave to introduce a bill providing for the collection of certain taxes on certain lands in the town of Bethany in the county of Genesee.

Mr. Sweeney offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That after this week, resolutions, etc. be only in order on Tuesday of each week, during the remainder of the session.

*Ordered*, That the said resolution be laid on the table.

Mr. Van Valkenburgh offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the standing committee on railroads be permitted to examine the Harlem railroad, for the purpose of ascertaining if it is so constructed as to entitle them to a charter for its continuance to Albany.

*Ordered*, That the said resolution be laid on the table.

Mr. Blake offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That when this House adjourns, it will adjourn to four o'clock this afternoon, to discuss the constitutional amendments.

*Ordered*, That the said resolution be laid on the table.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to extend the time for the collection of taxes in the town of Warren, county of Herkimer," and found the same correctly engrossed.

*Ordered*, That the said bill do have its third reading.

The House then proceeded to the consideration of the resolution heretofore offered by Mr. Whitney, in the words following, to wit :

*Resolved*, That the committee to which was referred sundry petitions praying that the office of county superintendent of common schools be abolished, be instructed to report on Monday next.

Mr. Whitney moved to amend the said resolution, by striking out "Monday," and inserting "Thursday."

Mr. Bevins moved to lay the said resolution and amendment on the table.

On motion of Mr. C. F. Crosby,

The House then adjourned to ten o'clock to-morrow morning.

## WEDNESDAY, MARCH 5, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Conrey.

The Hon. Horatio Seymour, Speaker of the Assembly, resumed the chair.

The minutes of yesterday were read and approved.

The petition of sundry inhabitants of the city of New-York, praying for the revision and amendment of the existing laws relative to gambling, was read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the county of Cortland, praying for the passage of a law making the office of district attorney of said county a salary office, was read, and referred to the committee on the judiciary.

Two several remonstrances of sundry inhabitants of the counties of Washington and Oneida, against the passage of a law requiring the banks of this State to redeem their notes at par in the city of Albany or New-York, were read, and referred to the committee on banks and insurance companies.

The petition of sundry inhabitants of the counties of Seneca and Wayne, praying for the repeal of the new state prison law, passed at the last session, was read, and referred to the committee on state prisons.

The petition of George Thomas and Israel P. Sears, praying for the passage of a law confirming in said Thomas the title to certain land held by him as an alien, was read, and referred to the committee on the petitions of aliens.

The petition of sundry inhabitants of the village of Glensfalls in the county of Warren, praying for the passage of a law in relation to the firemen of said village, was read, and referred to the committee on the internal affairs of towns and counties.

The petition of the board of auditors of the town of Plattsburgh in the county of Clinton, praying for the passage of a law to abolish the office of trustee of gospel and school lands, and directing the duties of the said office to be performed by the town superintendents of common schools, was read, and referred to the committee on the internal affairs of towns and counties.

Three several remonstrances of sundry inhabitants of the county of Chautauque, against any division of said county, were read, and referred to the committee on the erection and division of towns and counties.

Two several petitions of sundry inhabitants of the counties of Seneca and Monroe, praying for the passage of an act requiring the railroad companies between Albany and Buffalo to carry passengers and the mails through in fifteen hours, instead of two days, as is now done by said companies, were read, and referred to the committee on railroads.

The petition of John E. Foley of the city of New-York, praying for relief from loss incurred by purchasing certain lands sold under direction of the Comptroller, was read, and referred to the committee on the public lands.

Three several petitions of sundry inhabitants of the counties of Tompkins, Allegany and Albany, praying for the passage of a law to abolish the offices of town and county superintendents of common schools, were read, and referred to the committee on colleges, academies and common schools.

Nine several petitions of sundry inhabitants of the counties of Erie, Chautauque and Genesee, praying for the passage of a law to protect the revenue of the Erie canal, against the competition of the Welland canal, were read, and referred to the committee on canals.

Three several petitions of sundry inhabitants of the county of Lewis, praying for the construction of the Black River Canal, were read, and referred to the committee on canals.

The remonstrance of sundry inhabitants of the city of New-York, against the adoption of a discriminating system of tolls on the canals, was read, and referred to the committee on canals.

Nine several petitions of sundry inhabitants of the county of Schenectady, praying that the locks on the canals may not be opened on Sundays, were read, and referred to the committee on canals.

Two several petitions of sundry inhabitants of the county of Columbia, praying for an alteration of the law of landlord and tenant, were read, and referred to the select committee on that subject.

Eight several petitions of sundry inhabitants of the county of Broome, praying for the incorporation of a company to construct a turnpike road from Harpersville to Conklin in said county, were read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the county of Ulster, praying for the incorporation of a company to construct a turnpike in the towns of Rochester and Warwarsing in said county, was read, and referred to the committee on roads and bridges.

Two several petitions of sundry inhabitants of the county of Ulster, praying for the establishment of a ferry at the village of HydePark in the county of Dutchess, were read, and referred to the committee on roads and bridges.

Two several petitions of sundry inhabitants of the counties of Wayne and Cayuga, praying for the incorporation of a company to build a bridge over the Seneca river, and to construct a road across Howland's island, were read, and referred to the committee on roads and bridges.

Three several petitions of sundry inhabitants of the county of Monroe, praying for the appointment of commissioners to locate a bridge on the Genesee river in said county, were read, and referred to the committee on roads and bridges.

Three several remonstrances of sundry inhabitants of the county of Ulster, against allowing the New-York and Erie Railroad Company to interfere with the rights of the Delaware and Hudson Canal Company, were read, and referred to the committee of the whole when on the bill upon that subject.

Four several petitions of sundry inhabitants of the counties of Onondaga, Steuben, Orange and Columbia, praying for the passage of a law submitting the question of license to the people of the several cities and towns, were read, and referred to the committee of the whole when on the bill upon that subject.



Two several petitions of sundry inhabitants of the counties of Seneca and Yates, praying for the incorporation of the American and Foreign Bible Society, were read, and referred to the committee of the whole when on the bill upon that subject.

Four several remonstrances of sundry inhabitants of the counties of Dutchess, New-York and Richmond, against the incorporation of the American and Foreign Bible Society, were read, and referred to the committee of the whole when on the bill upon that subject.

Twelve several petitions of sundry inhabitants of the counties of Steuben, New-York, Tioga and Sullivan, praying for the consent of the Legislature that the New-York and Erie Railroad Company may locate certain portions of their road out of the State, were read, and referred to the committee of the whole when on the bill upon that subject.

Nine several remonstrances of sundry inhabitants of the counties of Ulster, New-York and Sullivan, against the passage of the bills now pending in relation to the New-York and Erie Railroad Company, were read, and referred to the committee of the whole when on the bill upon that subject.

Three several petitions of sundry inhabitants of the county of Westchester, in favor of the application of the New-York and New-Haven Railroad Company to construct their railroad in this State, were read, and referred to the committee of the whole when on the bill upon that subject.

Two several remonstrances of sundry inhabitants of the county of Delaware, against the erection of the proposed county of Unadilla, were read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of sundry inhabitants of the county of Monroe, against the passage of the act relating to the city of Rochester, was read, and referred to the committee of the whole when on the said bill.

The petition of sundry inhabitants of the county of Wyoming, praying for the incorporation of the Attica and Hornellsville Railroad Company, was read, and referred to the committee of the whole when on the bill upon that subject.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the petition of the board of trustees of the village of Williamsburgh in the county of Kings, for the passage of an act to authorise said trustees to raise money by a loan, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Chase accordingly brought in the said bill, entitled "An act to authorise the trustees of Williamsburgh to raise money by tax or loan, to pay certain debts, and to provide for the speedy liquidation and settlement of certain disputed matters and claims in said village;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Bevens, from the committee on canals, to which was referred the petition of James Spraker, for relief, reported favorably to the prayer of the petitioner, and asked leave to bring in a bill.



Leave being granted, Mr. Bevens accordingly brought in the said bill, entitled "An act for the relief of James Spraker;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the petition of the board of trustees of the village of Williamsburgh in the county of Kings, for the passage of an act relating to the burial of the dead in the said village, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Chase accordingly brought in the said bill, entitled "An act in relation to the interment of the dead in the village of Williamsburgh;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the petition of sundry inhabitants of the town of Mount-Pleasant in the county of Westchester, for a modification of the charter of the village of Singing, reported unfavorably to the prayer of the petitioners, and offered the following resolution, to wit :

*Resolved*, That the committee on the internal affairs of towns and counties be discharged from the further consideration of the petition for an amendment of the charter of the village of Singing.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the petition of sundry inhabitants of the counties of Albany and Saratoga, relative to the pike fishery in the Mohawk river, reported unfavorably to the prayer of the petitioners, and offered the following resolution, to wit :

*Resolved*, That the committee on the internal affairs of towns and counties be discharged from the further consideration of the petition relative to the pike fishery in the Mohawk river.

On motion of Mr. C. F. Crosby,

*Ordered*, That the said resolution be laid on the table.

Mr. Garretson, from the committee on charitable and religious societies, to which was referred the petition of the New-York Eye and Ear Infirmary, for relief, reported in writing, and asked leave to bring in a bill.

[See Document No. 146.]

Leave being granted, Mr. Garretson accordingly brought in the said bill, entitled "An act for the further relief of the New-York Eye and Ear Infirmary;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Garretson, from the committee on charitable and religious societies, to which was referred the petition of the rector, churchwardens and vestrymen of Christ's Church at Rye, for the passage of an act to empower them to sell certain real estate, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Garretson accordingly brought in the said bill, entitled "An act to authorise the rector, churchwardens and vestrymen of Christ's Church in the town of Rye in the county of Westchester, to sell and convey certain real estate ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Howard, from the committee on canals, to which was referred the several petitions relative to closing the locks upon the canals of this State on the Sabbath, reported in writing, and concluded by offering for the consideration of the House a resolution, in the words following :

*Resolved*, (if the Senate concur,) That the Canal Commissioners be instructed not to require the public officers along the canal to perform official duties on Sunday, while the laws forbidding servile labor on that day remain on our statute.

[See Document No. 148.]

Mr. Van Valkenburgh offered a substitute for the said resolution, in the words following, to wit :

*Resolved*, (if the Senate concur,) That the Canal Commissioners be directed to instruct the public officers along the canal not to perform official duties on the first day of the week, commonly called Sunday, while the laws forbidding servile labor on that day remain on our statute.

Mr. M'Carthy moved to lay the said resolution and substitute on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. M'Carthy, and it was determined in the affirmative.

Mr. Huntington moved to print ten times the usual number of copies of the said report.

Debates were had thereon ; when,

The hour of twelve o'clock at noon having arrived, the Chair announced the special order of the House, being the amendments to the Constitution.

The House then again resolved itself into a committee of the whole, on the amendments to the Constitution ; and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Constant, from the said committee, reported progress, and asked for and obtained leave to sit again.

By unanimous consent, and

In pursuance of previous notice, Mr. Mather asked for and obtained leave to bring in a bill, entitled "An act relative to pilots and pilotage of the port of New-York, by the way of Sandyhook ;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

The bill entitled "An act to pay the militia called into service in December 1844 and January 1845, and for other purposes," was received from the Senate, together with the following resolution, to wit :

*Resolved*, That the Senate do non-concur in the several amendments of the Assembly to the bill entitled "An act to pay the militia called into service in December 1844 and January 1845, and for other purposes," and request a committee of conference on the said amendments.

which are the subject of disagreement between the two houses ; and in case the Assembly consent thereto, that Mr. Clark, Mr. Beekman and Mr. Lott, be of the said committee on the part of the Senate.

Mr. Sweeney moved that the House do recede from their amendments to the said bill.

Debates were had thereon ; when

Mr. C. F. Crosby called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Whereupon,

Mr. Speaker put the question whether the House would agree to recede from their amendments to the said bill, and it was determined in the negative.

{ AYES 17 }  
{ NAYS 60 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                  |              |                     |
|------------------|--------------|---------------------|
| Mr. Bagg         | Mr. Harris   | Mr. Sager           |
| Mr. Bailey       | Mr. Horton   | Mr. Sweeney         |
| Mr. Bunker       | Mr. Hunt     | Mr. Van Schoonhoven |
| Mr. Constant     | Mr. M'Carthy | Mr. Van Valkenburgh |
| Mr. C. F. Crosby | Mr. Morris   | Mr. Wheeler         |
| Mr. Gregory      | Mr. Russell  |                     |

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Those who voted in the negative are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Barber      | Mr. Giffard    | Mr. Mersereau       |
| Mr. Betts       | Mr. G. Gould   | Mr. S. Miller       |
| Mr. Bevins      | Mr. Hall       | Mr. Niven           |
| Mr. Blake       | Mr. Hannum     | Mr. Oakley          |
| Mr. Bloss       | Mr. Hazelton   | Mr. Pardee          |
| Mr. Boughton    | Mr. Heermans   | Mr. Preston         |
| Mr. J. Brooks   | Mr. Hervey     | Mr. Raymond         |
| Mr. Brower      | Mr. Hine       | Mr. Rice            |
| Mr. S. A. Brown | Mr. Howard     | Mr. Ross            |
| Mr. Bush        | Mr. Johnson    | Mr. A. C. Smith     |
| Mr. Cameron     | Mr. Kinne      | Mr. W. Smith        |
| Mr. Chase       | Mr. Knapp      | Mr. Speaker         |
| Mr. Coe         | Mr. D. Lee     | Mr. Spring          |
| Mr. Comstock    | Mr. T. R. Lee  | Mr. J. Stevenson    |
| Mr. E. Crosby   | Mr. Litchfield | Mr. R. L. Stevenson |
| Mr. Danforth    | Mr. M'Donald   | Mr. Strobbridge     |
| Mr. Field       | Mr. M'Key      | Mr. Tefft           |
| Mr. Fonda       | Mr. M'Vean     | Mr. Tuthill         |
| Mr. Frisbee     | Mr. Mann       | Mr. White           |
| Mr. Garretson   | Mr. Mather     | Mr. Winant          |

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Mr. Chase offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That a committee of conference be appointed on the part of the Assembly, to confer with a like committee on the part of the Senate, on the amendments to the bill entitled "An act to pay the militia called into service in December 1844 and January 1845, and for other purposes," which are the subject of disagreement between the two houses.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
Albany, March 3, 1845. }

TO THE ASSEMBLY.

I have this day approved and signed the bill entitled "An act further to amend the act entitled 'An act relative to the city of Albany,' passed April 16th, 1842."

SILAS WRIGHT.

A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
Albany, March 5, 1845. }

TO THE ASSEMBLY.

I have this day approved and signed the bill entitled "An act to amend an act relative to the common school fund of the town of Edmeston, county of Otsego, passed February 26th, 1828."

SILAS WRIGHT.

The report of the Canal Board, on the petition of John Bump, was received and read.

[See Document No. 141.]

*Ordered*, That the said report be referred to the committee on grievances.

The report of the Comptroller, in answer to a resolution of the Assembly, relative to the issue to the banks of registered notes in the place of the outstanding old emission, was received and read.

[See Document No. 161.]

*Ordered*, That the said report be referred to the committee on banks and insurance companies.

The report of the Canal Commissioners, in relation to the Dansville slip and basin, was received and read.

[See Document No. 135.]

*Ordered*, That the said report be laid on the table.

On motion of Mr. Betts,

The House then adjourned to ten o'clock to-morrow morning.



## THURSDAY, MARCH 6, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Pohlman.

The minutes of yesterday were read and approved.

Two several petitions of sundry inhabitants of the counties of Albany and Steuben, praying for the passage of a law providing that married women of this State shall be entitled to their own property, were read, and referred to the committee on the judiciary.

Three several petitions of sundry inhabitants of the county of Ulster, praying for the passage of an act for the preservation of fish in Hudson river, were read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the county of Cortland, praying for the passage of a law making the office of district attorney of said county a salary office, was read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the county of St. Lawrence, praying for the passage of a law reducing the expenses of criminal proceedings, was read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the county of Steuben, praying for the passage of a law authorising the commissioner of the United States Deposit Fund to reloan the interest, was read, and referred to the committee on ways and means.

The petition of sundry inhabitants of the county of Yates, praying for the incorporation of the Homœopathic College of Physicians and Surgeons of Western New-York, to be located at the village of Auburn in the county of Cayuga, was read, and referred to the committee on medical societies and colleges.

The petition of sundry inhabitants of the town of Onondaga in the county of Onondaga, praying for the passage of a law giving power to the road commissioners to lay out public highways through the Indian reservation, was read, and referred to the committee on indian affairs.

The petition of sundry inhabitants of the town of Louisville in the county of St. Lawrence, praying for the passage of a law to reduce the number of town officers, was read, and referred to the committee on the internal affairs of towns and counties.

Eleven several petitions of sundry inhabitants of the counties of Yates, Steuben and Madison, praying that the office of superintendent of common schools may be abolished, were read, and referred to the committee on colleges, academies and common schools.

The petition of sundry inhabitants of the town of Persia in the county of Cattaraugus, praying for the erection of a new county, by the name of Schuyler, was read, and referred to the committee on the erection and division of towns and counties.

Twelve several petitions of sundry inhabitants of the counties of New-York, Steuben and Allegany, praying for the consent of the Legislature that the New-York and Erie Railroad Company may connect

their road with Pike and Susquehanna counties in the State of Pennsylvania ; and also for a release of the lien of the State upon said road, on certain conditions, were read, and referred to the committee of the whole when on the bill upon that subject.

Six several remonstrances of sundry inhabitants of the counties of Ulster and Orange, against allowing the New-York and Erie Railroad Company to interfere with the rights of the Delaware and Hudson Canal Company, were read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Orange, praying for the passage of a law compelling all the banks of this State to redeem their notes at par in the city of New-York, was read, and referred to the committee on banks and insurance companies.

Four several remonstrances of sundry inhabitants of the counties of Oneida, Monroe, Erie and Onondaga, against compelling the banks of this State to redeem their notes at par in the cities of Albany and New-York, were read, and referred to the committee on banks and insurance companies.

Mr. T. R. Lee moved that the committee on the judiciary be discharged from the consideration of sundry petitions on the subject of capital punishment, and that the same be referred to the select committee on that subject.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. T. R. Lee, and it was determined in the affirmative.

The petition of Alexander Kelsey of the county of Monroe, praying for an amendment of the law relating to manufacturing companies, was read, and referred to the committee on trade and manufactures.

The petition of sundry inhabitants of the town of Kinderhook in the county of Columbia, praying for the passage of a law further to prevent hawking and peddling, was read, and referred to the committee on trade and manufactures.

The petition of sundry inhabitants of the county of Dutchess, praying for the passage of a law in favor of mechanics, was read, and referred to the committee on trade and manufactures.

The petition of sundry inhabitants of the village of Senecafalls in the county of Seneca, praying for the passage of a law to protect the revenue of the Erie canal, against the competition of the Welland canal, was read, and referred to the committee on canals.

Six several remonstrances of sundry inhabitants of the counties of Wayne, Albany, New-York, Oswego and St. Lawrence, against the adoption of a discriminating system of tolls on the canals of this State, were read, and referred to the committee on canals.

Five several petitions of sundry inhabitants of the counties of Lewis and Jefferson, praying for the completion of the Black River Canal, were read, and referred to the committee on canals.

The petition of sundry inhabitants of the county of Steuben, praying for the passage of a law authorising the making of certain repairs on the Crooked Lake Canal, was read, and referred to the committee on canals.

The petition of sundry inhabitants of the county of Monroe, praying

for the appointment of commissioners to locate a bridge across the Genesee river, was read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the county of Saratoga, praying for a reduction of the tolls across the bridge at Waterford, was read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the county of Monroe, praying for the incorporation of a company to construct a plank road from West-Henrietta to Rochester, was read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the county of Westchester, praying for an alteration of the road from Somers to Peekskill, was read, and referred to the committee on roads and bridges.

The remonstrance of sundry inhabitants of the town of Somers in the county of Westchester, against the passage of a law for the construction of a road from Somers to Peekskill, was read, and referred to the committee on roads and bridges.

Two several petitions of sundry inhabitants of the counties of Delaware and Albany, praying for an alteration of the law of landlord and tenant, were read, and referred to the select committee on that subject.

Three several petitions of sundry inhabitants of the counties of Chenango, Seneca and Albany, praying for a reduction of the fees and costs of attorneys in courts of record, were read, and referred to the select committee on that subject.

The petition of sundry inhabitants of the county of Dutchess, praying for a reduction of the legal rate of interest to six per centum, was read, and referred to the select committee on that subject.

The petition of sundry inhabitants of the county of Dutchess, praying for the adoption of a constitutional prohibition against betting on elections, was read, and referred to the select committee on amendments to the Constitution.

Three several remonstrances of sundry inhabitants of the counties of Saratoga and Columbia, against the incorporation of the American and Foreign Bible Society, were read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the city of New-York, praying for aid to the New-York Dispensary, was read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Seneca, praying for the passage of a law making the costs in courts of special sessions a town instead of a county charge, was read, and referred to the committee of the whole when on the bill upon that subject.

Five several remonstrances of sundry inhabitants of the county of Otsego, against any division of said county, were read, and referred to the committee of the whole when on the bill upon that subject.

Eleven several petitions of sundry inhabitants of the counties of Washington, Dutchess, Otsego, St. Lawrence, Oneida, Seneca, Yates and Columbia, praying for the passage of a law submitting the question of license to the people of the several cities and towns, were read, and referred to the committee of the whole when on the bill upon that subject.



The petition of sundry inhabitants of the county of Steuben, praying for the relinquishment of the debt due to the State from the New-York and Erie Railroad Company, was read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Franklin, praying for a renewal of the charter of the Ogdensburgh and Lake Champlain Railroad Company, was read, and referred to the committee of the whole when on the bill upon that subject.

The Chair announced the appointment of a committee of conference on the part of the Assembly, on the amendments to the bill entitled "An act to pay the militia called into service in December 1844 and January 1845, and for other purposes," which are the subject of disagreement between the two Houses, to consist of Mr. Chase, Mr. Mather, Mr. Niven, Mr. Bailey and Mr. Hannum.

The House then again resolved itself into a committee of the whole, on the annual message from the Governor, and on the bill entitled "An act for the relief of certain purchasers of lands in the Oneida reservation in 1840 and 1841 ;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Jones, from the said committee, reported, that the committee had made some progress on the said message, but not having gone through with the same, had directed their chairman to ask for leave to sit again.

Mr. T. R. Lee called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Whereupon,

Mr. Speaker put the question whether the House would grant leave to the committee of the whole to sit again on the said message, and it was determined in the negative.

{ AYES 38 }  
{ NAYS 52 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Barber       | Mr. Garretson  | Mr. Rice            |
| Mr. Betts        | Mr. Giffard    | Mr. Ross            |
| Mr. Bloss        | Mr. G. Goold   | Mr. Spring          |
| Mr. Boughton     | Mr. Hannum     | Mr. J. Stevenson    |
| Mr. Bush         | Mr. Harris     | Mr. Van Schoonhoven |
| Mr. Cameron      | Mr. Johnson    | Mr. Wells           |
| Mr. Casner       | Mr. D. Lee     | Mr. White           |
| Mr. Coe          | Mr. Litchfield | Mr. Wilcox          |
| Mr. C. F. Crosby | Mr. M'Vean     | Mr. Worden          |
| Mr. E. Crosby    | Mr. Mann       | Mr. Wynant          |
| Mr. Edwards      | Mr. Mersereau  | Mr. A. W. Young     |



Mr. Field  
Mr. Frisbee

Mr. Oakley  
Mr. Raymond

Mr. J. Young

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Those who voted in the negative are

Mr. Bachman  
Mr. Bagg  
Mr. Bailey  
Mr. Bevens  
Mr. Blake  
Mr. J. Brooks  
Mr. M. Brooks  
Mr. Brower  
Mr. S. A. Brown  
Mr. Bunker  
Mr. Chase  
Mr. Comstock  
Mr. Constant  
Mr. Danforth  
Mr. Dewey  
Mr. Fonda  
Mr. Gregory  
Mr. Hall

Mr. Harden  
Mr. Hazelton  
Mr. Hervey  
Mr. Hine  
Mr. Horton  
Mr. Howard  
Mr. Jones  
Mr. Kinne  
Mr. T. R. Lee  
Mr. M'Carthy  
Mr. M'Donald  
Mr. M'Key  
Mr. Morris  
Mr. Morrison  
Mr. Niven  
Mr. Pardee  
Mr. Porter

Mr. Preston  
Mr. Rogers  
Mr. Russell  
Mr. Sager  
Mr. Skelton  
Mr. A. C. Smith  
Mr. W. Smith  
Mr. Speaker  
Mr. R. L. Stevenson  
Mr. Strobridge  
Mr. Sweeney  
Mr. Tefft  
Mr. Thompson  
Mr. Van Valkenburgh  
Mr. Walrath  
Mr. Wheeler  
Mr. Whitney

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Mr. Russell moved that the House agree to the resolution referring the said message, as the same was amended by the committee of the whole house ; which said amended resolution is in the words following :

*Resolved*, That so much of the annual message of His Excellency the Governor, as relates to the revenues, expenditures, fiscal affairs and public credit of the State, be referred to the committee on ways and means ;

That so much thereof as relates or refers to the canals, be referred to the committee on canals ;

That so much thereof as relates to retrenchment of expenditures, be referred to the committee on retrenchment ;

That so much thereof as relates to education, academies and schools, and to the investment and distribution of the funds appropriated to their support, be referred to the committee on colleges, academies and common schools ;

That so much thereof as relates to the several State prisons, and to the employment of convicts, be referred to the committee on state prisons ;

That so much thereof as relates to the Institution for the education of the deaf and dumb, and the New-York Institution for the blind, be referred to the committee on charitable and religious societies ;

That so much thereof as relates to the State Lunatic Asylum, the Lunatic Asylum at Bloomingdale, and the New-York Hospital, be referred to the committee on medical societies and colleges ;

That so much thereof as relates to betting on elections, and other

abuses affecting the purity of elections, be referred to the committee on privileges and elections ;

That so much thereof as relates to agriculture and agricultural societies, be referred to the committee on agriculture ;

That so much thereof as relates to the pay and subsistence of the force ordered to aid the sheriff of Columbia county, and to the giving of a legal sanction to the use of the public arms and munitions of war for the same purpose, be referred to the committee on the militia and public defence ;

That so much thereof as relates to the difficulties existing between the proprietors of certain leasehold estates and their tenants, and the crimes and disorders growing out of those difficulties, and to the punishment and prevention of such crimes and disorders, be referred to a select committee ;

That so much thereof as relates to amendments to the Constitution, be referred to the select committee on that subject.

Mr. T. R. Lee called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Whereupon,

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Jones, from the same committee, reported, that the committee had gone through the bill entitled "An act for the relief of certain purchasers of lands in the Oneida reservation in 1840 and 1841," made sundry amendments thereto, and agreed to the same ; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

The annual report of the trustees of Union College, for the year ending July, 1844, was received and read.

[See Document No. 188.]

*Ordered*, That the said report be laid on the table.

On motion of Mr. Betts,

The House then adjourned to ten o'clock to-morrow morning.

## FRIDAY, MARCH 7, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. M'Donough.

The minutes of yesterday were read and approved.

The petition of sundry inhabitants of the county of Monroe, praying for the erection of an insane asylum in the city of Rochester, was read, and referred to the committee on charitable and religious societies.

The remonstrance of sundry inhabitants of the county of Rensselaer, against paying the guard at Hudson out of the State Treasury, was read, and referred to the committee on the militia and public defence.

The petition of sundry inhabitants of the county of Genesee, praying for the passage of a law authorising the board of supervisors of said county to levy a tax upon a portion of the town of Pavilion, for the benefit of the town of Leroy, was read, and referred to the committee on the internal affairs of towns and counties.

The petition of sundry inhabitants of the county of Seneca, praying for such an alteration of the law as to make the costs in courts of special sessions a town instead of a county charge, was read, and referred to the committee on the internal affairs of towns and counties.

The petition of sundry inhabitants of the town of Glenville in the county of Schenectady, praying for a reduction of collectors' fees to one and a half per cent, was read, and referred to the committee on the internal affairs of towns and counties.

The petition of sundry inhabitants of the county of Steuben, praying for a reduction of the number of town officers, was read, and referred to the committee on the internal affairs of towns and counties.

The remonstrance of sundry inhabitants of the county of Niagara, against any change in the law respecting the redemption of bank notes, was read, and referred to the committee on banks and insurance companies.

Three several petitions of sundry inhabitants of the counties of Orleans, Schenectady and Columbia, praying for the passage of a law compelling the country banks to redeem their notes at par in the cities of Albany and New-York, were read, and referred to the committee on banks and insurance companies.

The petition of William H. Ludlow of the county of Suffolk, praying for the incorporation of an ice company in said county, was read, and referred to the committee on trade and manufactures.

Two several petitions of sundry inhabitants of the counties of Genesee and Seneca, praying for the passage of a law regulating railroad fare from Albany to Buffalo, were read, and referred to the committee on railroads.

The remonstrance of the Chamber of Commerce of the city of New-York, and three others from sundry inhabitants of the counties of Niagara, Jefferson and Oneida, against the adoption of a discriminating system of tolls on the canals of this State, were read, and referred to the committee on canals.

Three several petitions of sundry inhabitants of the counties of Jefferson and Lewis, praying for the completion of the Black River Canal, were read, and referred to the committee on canals.

The petition of sundry inhabitants of the county of Wayne, praying for the incorporation of a Homœopathic Medical College at the village of Auburn in the county of Cayuga, was read, and referred to the committee on medical societies and colleges.

Four several petitions of sundry inhabitants of the counties of Fulton and Franklin, praying for the passage of a law abolishing the office of county superintendent of common schools, were read, and referred to the committee on colleges, academies and common schools.

The petition of sundry inhabitants of the county of Oneida, in relation to a towing path on Fish creek, was read, and referred to the Canal Board.

The remonstrance of sundry inhabitants of the county of Genesee, against any change of the corporation laws, was read, and ordered to be laid on the table.

Six several petitions of sundry inhabitants of the counties of Albany and Columbia, praying for an alteration of the law of landlord and tenant, were read, and referred to the select committee on that subject.

Six several remonstrances of sundry inhabitants of the county of Ulster, against allowing the New-York and Erie Railroad Company to interfere in any manner with the rights of the Delaware and Hudson Canal Company, were read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Sullivan, praying for the passage of a law requiring the New-York and Erie Railroad Company to complete their road through the southern tier of counties to the village of Binghamton, as a condition for the relinquishment of the State lien on said road, was read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of sundry inhabitants of the county of Sullivan, against allowing the New-York and Erie Railroad Company to locate any portion of their road in the State of Pennsylvania, was read, and referred to the committee of the whole when on the bill upon that subject.

The resolutions adopted at a town meeting held in the town of Tompkins in the county of Delaware, against the erection of the proposed new county of Unadilla, were read, and referred to the committee of the whole when on the bill upon that subject.

Two several petitions of sundry inhabitants of the county of Rensselaer, praying for the passage of a law submitting the question of license to the people of the several cities and towns, were read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Clinton, praying for the renewal of the charter of the Ogdensburgh and Lake Champlain Railroad Company, was read, and referred to the committee of the whole when on the bill upon that subject.

Two several petitions of the trustees of the Hobart Hall Institute and the Utica Female Academy, praying for a more equal distribution of the Literature Fund, were read, and referred to the committee of the whole when on the bill upon that subject.



Mr. M'Carthy, from the committee on the petitions of aliens, to which was referred the engrossed bill from the Senate, entitled "An act to enable resident aliens to hold and convey real estate," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

On motion of Mr. M'Carthy,

*Ordered*, That the said report be laid on the table.

Mr. Coe, from the committee on canals, to which was referred the petition of sundry inhabitants of the county of Wayne, for the passage of a law authorising the Canal Commissioners to lease certain surplus waters of the Erie Canal, reported in writing, and asked leave to bring in a bill.

[See Document No. 152.]

Leave being granted, Mr. Coe accordingly brought in the said bill, entitled "An act to authorise the canal commissioners to lease certain surplus waters of the Erie canal to Roderick Price ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Thompson, from the committee on charitable and religious societies, to which was referred the engrossed bill from the Senate, entitled "An act for the relief of the American Seamen's Friend Society in the city of New-York," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. W. Smith, from the committee on indian affairs, to which was referred the petition of sundry inhabitants of the county of Onondaga, for the erection of a toll-gate on the State road through the Onondaga Indian reservation, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. W. Smith accordingly brought in the said bill, entitled "An act to provide for the improving and keeping in repair of a road through the Onondaga Indian reservation ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. W. Smith, from the committee on indian affairs, to which was referred the petition of the Seneca nation of Indians, for protection and relief, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. W. Smith accordingly brought in the said bill, entitled "An act for the protection and improvement of the Seneca Indians residing on the Cattaraugus and Allegany reservations in this State ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Blake, from the committee on trade and manufactures, to which was referred the petition of Alexander Kelsey, praying for an amendment of the law relating to manufacturing companies, reported favorably to the prayer of the petitioner, and asked leave to bring in a bill.

Leave being granted, Mr. Blake accordingly brought in the said bill, entitled "An act to amend an act entitled 'An act relative to incorporations for manufacturing purposes,' passed March 22d, 1811;" which was read the first time, and by unanimous consent was also read a second time, and, on motion of Mr. Blake, ordered to be engrossed for a third reading.

Mr. Tefft, from the committee on claims, to which was referred the engrossed bill from the Senate, entitled "An act for the relief of John H. T. Smith," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Tefft, from the committee on claims, to which was referred the petition of Mary Murray and others, for relief, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Tefft accordingly brought in the said bill, entitled "An act for the relief of Mary Murray and others;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Sears, from the committee on canals, to which was referred the petition of Sanford and Eggleston, for relief, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Sears accordingly brought in the said bill, entitled "An act for the relief of John Sanford and William Eggleston;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Sears, from the committee on canals, to which was referred the petition of sundry inhabitants of the county of Chemung, praying that the privilege of using the surplus water of the Chenango canal may be granted to S. S. Ellsworth, reported unfavorably to the prayer of the petitioners, and offered the following resolution, to wit :

*Resolved*, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Boughton, from the committee on grievances, to which was referred the petition of C. C. Van Vranken, a canal contractor, for relief, reported unfavorably to the prayer of the petitioner, and offered the following resolution, to wit :

*Resolved*, That the prayer of the petitioner ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Knapp, from the committee on the public lands, to which was referred the petition of John J. Hopper, for a release of the purchase money on certain public lands, reported favorably to the prayer of the petitioner, and asked leave to bring in a bill.

Leave being granted, Mr. Knapp accordingly brought in the said bill, entitled "An act for the relief of John J. Hopper;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. E. Crosby, from the committee on banks and insurance compa-

nies, to which was referred the petition of sundry inhabitants of the county of Orange, relative to a general law for the establishment of savings banks, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. E. Crosby accordingly brought in the said bill, entitled "An act to authorise the establishment of savings banks;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Skelton, from the committee on grievances, to which was referred the petition of Daniel Night, for compensation for damages sustained in consequence of the construction of the Chemung Canal, reported unfavorably to the prayer of the petitioner, and offered the following resolution, to wit :

*Resolved*, 'That the committee on grievances be discharged from the further consideration of the petition of Daniel Night.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Bloss, from the committee on charitable and religious societies, to which was referred the petition of Philip Engelhardt and others, for the incorporation of the German United Brethren Society, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Bloss accordingly brought in the said bill, entitled "An act to incorporate the German United Brethren Society in the city of New-York;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Harden, from the committee on colleges, academies and common schools, to which was referred the petition of James D. Sparkman and others, for relief, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Harden accordingly brought in the said bill, entitled "An act for the relief of James D. Sparkman, William Leaycraft and Samuel Cox;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Fonda, from the committee on the militia and public defence, to which was referred the engrossed bill from the Senate, entitled "An act to pay the guard of one hundred enlisted men for the protection of the jail in the city of Hudson," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. D. Lee, from the committee on agriculture, to which was referred the bill entitled "An act to incorporate the New-York Industrial Association," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.



Mr. Pardee, from the committee on roads and bridges, to which was referred the petitions of sundry inhabitants of the counties of Ulster and Dutchess, relative to the establishment of a ferry at Hyde park, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Pardee accordingly brought in the said bill, entitled "An act authorising Jackson Townsend and Edwin A. Johnson to establish a ferry from Hyde park in Dutchess county, to Esopus in Ulster county;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the petition of Robert Price, for the passage of an act authorising him to change his name, reported favorably to the prayer of the petitioner, and asked leave to bring in a bill.

Leave being granted, Mr. T. R. Lee accordingly brought in the said bill, entitled "An act to change the name of Robert Price;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the bill entitled "An act concerning the district attorney of the county of Cortland," reported, that the committee had gone through the said bill, made sundry amendments thereto, and, as amended, saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Van Valkenburgh moved that ten times the usual number of copies of the report of the committee on canals, relative to closing the canal locks on the Sabbath, be printed.

Mr. Speaker put the question whether the House would agree to the said motion, and it was determined in the affirmative.

A message from the Senate, with the bills therein mentioned, was received and read, informing that the Senate have passed the bill entitled "An act designating the place of holding the next annual town meeting in the town of Flatbush in the county of Kings," and the bill entitled "An act in relation to the powers of receivers and committees of lunatics and habitual drunkards," and request the concurrence of the Assembly in the same.

The said bills were severally read the first time, and by unanimous consent were also read a second time, and the bill entitled "An act designating the place of holding the next annual town meeting in the town of Flatbush in the county of Kings," was referred to the committee on the internal affairs of towns and counties; and the bill entitled "An act in relation to the powers of receivers and committees of lunatics and habitual drunkards," was referred to the committee on the judiciary.

The engrossed bill entitled "An act to extend the time for the collection of taxes in the town of Warren, county of Herkimer," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.



*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. Bagg, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act for the relief of certain purchasers of lands in the Oneida reservation in 1840 and 1841," and found the same correctly engrossed.

*Ordered*, That the said bill do have its third reading.

Whereupon,

The said engrossed bill was read the third time.

Debates were had thereon ; when

Mr. A. W. Young called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Whereupon,

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.

{ AYES 73 }  
{ NAYS 20 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Barber      | Mr. Gregory    | Mr. Newkirk         |
| Mr. Betts       | Mr. Hannum     | Mr. Pardee          |
| Mr. Bevens      | Mr. Harden     | Mr. Preston         |
| Mr. Billings    | Mr. Harris     | Mr. Raymond         |
| Mr. Blake       | Mr. Hazelton   | Mr. Rice            |
| Mr. Bloss       | Mr. Heermans   | Mr. Rogers          |
| Mr. Boughton    | Mr. Hervey     | Mr. Ross            |
| Mr. M. Brooks   | Mr. Horton     | Mr. Sager           |
| Mr. S. A. Brown | Mr. Howard     | Mr. Sears           |
| Mr. Bunker      | Mr. Huntington | Mr. Skelton         |
| Mr. Cameron     | Mr. Johnson    | Mr. A. C. Smith     |
| Mr. Casner      | Mr. Kinne      | Mr. W. Smith        |
| Mr. Coe         | Mr. Knapp      | Mr. Speaker         |
| Mr. Comstock    | Mr. D. Lee     | Mr. Spring          |
| Mr. Constant    | Mr. T. R. Lee  | Mr. J. Stevenson    |
| Mr. Culver      | Mr. Litchfield | Mr. Sweeney         |
| Mr. Danforth    | Mr. Long       | Mr. Thompson        |
| Mr. Dewey       | Mr. M'Carthy   | Mr. Van Valkenburgh |
| Mr. Edwards     | Mr. M'Key      | Mr. Walrath         |
| Mr. Field       | Mr. M'Vean     | Mr. Wheeler         |
| Mr. Fonda       | Mr. Mann       | Mr. White           |
| Mr. Frisbee     | Mr. Mersereau  | Mr. Wilcox          |
| Mr. Garretson   | Mr. Morris     | Mr. A. W. Young     |
| Mr. Giffard     | Mr. Morrison   | Mr. J. Young        |
| Mr. G. Gould    |                |                     |

Those who voted in the negative are

|                  |              |                     |
|------------------|--------------|---------------------|
| Mr. Bagg         | Mr. Hall     | Mr. R. L. Stevenson |
| Mr. Bailey       | Mr. Hunt     | Mr. Strobridge      |
| Mr. J. Brooks    | Mr. Jones    | Mr. Tefft           |
| Mr. Brower       | Mr. M'Donald | Mr. Tuthill         |
| Mr. Chase        | Mr. Mather   | Mr. Wells           |
| Mr. C. F. Crosby | Mr. Niven    | Mr. Whitney         |
| Mr. E. Crosby    | Mr. Searing  |                     |

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*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. Thompson offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the Comptroller be requested to report to this House the amount of auction duties which have been annually paid into the State Treasury, from the passage of the law requiring such payments, to the present time.

*Ordered*, That the said resolution be laid on the table.

On motion of Mr. C. F. Crosby,

*Resolved*, That the bill for the annexation of a part of the town of Hurley to Kingston in Ulster county, be recommitted to the committee on the erection and division of towns and counties.

In pursuance of previous notice, Mr. Harris asked for and obtained leave to bring in a bill, entitled "An act in relation to dividends upon stocks held by literary or charitable institutions in monied or stock corporations ;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on banks and insurance companies.

The House then proceeded to the consideration of the rule heretofore reported by Mr. Niven, from the committee on rules and orders, together with the motion made by Mr. Chase to amend the same.

The said rule was in the words following, to wit :

No member shall occupy the floor, when speaking upon any subject before the house or in committee of the whole, more than one hour at one time.

The motion of Mr. Chase proposed to amend the said rule, by substituting "half an hour" for "one hour."

Mr. Sweeney moved to amend the said amendment, so that the said rule shall read as follows, to wit :

No member shall speak longer than thirty minutes at one time, unless by unanimous consent, except when the constitutional amendments are under discussion.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Sweeney, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the said motion of Mr. Chase, and it was determined in the negative.

Mr. J. Young moved to reconsider the vote on so much of the said amendment offered by Mr. Sweeney, as excepts from the proposed rule the constitutional amendments.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. J. Young, and it was determined in the affirmative.

The question then recurred on agreeing to so much of the amendment offered by Mr. Sweeney, as excepts the constitutional amendments from the said proposed rule.

Debates were had thereon ; when,

The hour of twelve o'clock at noon having arrived, the Chair announced the special order of the House, being the consideration of the amendments to the Constitution.

Mr. Harris moved to suspend the said special order, until the order of business of "Motions, resolutions and notices," was disposed of.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Harris, and it was determined in the affirmative.

The question again recurred on the latter clause of the amendment offered by Mr. Sweeney.

Mr. J. Stevenson moved to lay the said amendment on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. J. Stevenson, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the last clause of the said amendment, and it was determined in the affirmative.

Mr. Fonda offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That no member shall be allowed to speak more than forty minutes at one time, without unanimous consent of the house.

Debates were had thereon ; when

Mr. Hine called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Whereupon,

Mr. Speaker put the question whether the House would agree to the adoption of the said additional rule reported by the committee on rules and orders, as the same was amended, and it was determined in the affirmative.

{ AYES 67 }  
{ NAYS 23 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|              |              |               |
|--------------|--------------|---------------|
| Mr. Bailey   | Mr. Giffard  | Mr. Mersereau |
| Mr. Barber   | Mr. G. Goold | Mr. Morris    |
| Mr. Billings | Mr. Gregory  | Mr. Moulton   |
| Mr. Blake    | Mr. Hall     | Mr. Newkirk   |
| Mr. Bloss    | Mr. Harden   | Mr. Niven     |
| Mr. Boughton | Mr. Harris   | Mr. Pardee    |

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. J. Brooks   | Mr. Heermans   | Mr. Porter          |
| Mr. M. Brooks   | Mr. Hervey     | Mr. Preston         |
| Mr. Brower      | Mr. Hine       | Mr. Rogers          |
| Mr. S. A. Brown | Mr. Horton     | Mr. Russell         |
| Mr. Bunker      | Mr. Howard     | Mr. Sager           |
| Mr. Bush        | Mr. Hunt       | Mr. Searing         |
| Mr. Cameron     | Mr. Huntington | Mr. A. C. Smith     |
| Mr. Casner      | Mr. Jones      | Mr. W. Smith        |
| Mr. Chase       | Mr. Kinne      | Mr. R. L. Stevenson |
| Mr. Coe         | Mr. D. Lee     | Mr. Sweeney         |
| Mr. Constant    | Mr. T. R. Lee  | Mr. Tefft           |
| Mr. E. Crosby   | Mr. Litchfield | Mr. Thompson        |
| Mr. Culver      | Mr. M'Carthy   | Mr. Van Schoonhoven |
| Mr. Dewey       | Mr. M'Donald   | Mr. Walrath         |
| Mr. Edwards     | Mr. M'Key      | Mr. Wheeler         |
| Mr. Frisbee     | Mr. Mann       | Mr. J. Young        |
| Mr. Garretson   |                |                     |

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Those who voted in the negative are

|                  |              |                  |
|------------------|--------------|------------------|
| Mr. Betts        | Mr. Hazelton | Mr. Speaker      |
| Mr. Bevens       | Mr. Knapp    | Mr. Spring       |
| Mr. Comstock     | Mr. M'Vean   | Mr. J. Stevenson |
| Mr. C. F. Crosby | Mr. Morrison | Mr. Wells        |
| Mr. Danforth     | Mr. Raymond  | Mr. White        |
| Mr. Field        | Mr. Rice     | Mr. Whitney      |
| Mr. Fonda        | Mr. Ross     | Mr. A. W. Young  |
| Mr. Hannum       | Mr. Skelton  |                  |

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Mr. T. R. Lee offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That when the House adjourns, it will adjourn to meet again at four o'clock this afternoon, to take up the business on the general orders, and will continue to hold afternoon sessions till all the business on the general orders shall have been disposed of.

*Ordered*, That the said resolution be laid on the table.

Mr. Howard offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the Canal Commissioners be instructed to report to this House, the amount of new work on the enlarged Erie Canal that has been brought into use since 1842, and the cost of the same, and the circumstances attending the adoption of such work ; also all new work which they anticipate bringing into use the present season, the cost thereof, etc.

*Ordered*, That the said resolution be laid on the table.

Mr. M. Brooks offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the committee on banks and insurance companies be instructed to inquire whether an unusual amount of the funds of the country banks or banking associations are loaned to or deposited with



brokers ; whether the said banks or brokers derive a profit exceeding the legal rate of interest, or any other illegal benefit from the use of said funds ; the security taken for the repayment of said loans and deposits ; the conditions on which the said loans and deposits are made by such banks to such brokers ; and whether the funds of such banks and banking associations cannot be used with benefit to the public at their several localities ; and whether any banks or banking associations do business of banking at other places than those where their offices purport to be located ; and that said committee have power to send for persons and papers.

*Ordered*, That the said resolution be laid on the table.

In pursuance of previous notice, Mr. Hine asked for and obtained leave to bring in a bill, entitled "An act for the appointment of a police justice in the village of Kingston, Ulster county ;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

Mr. Mann offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the select committee on the reduction of lawyers' fees be instructed to bring in a bill to repeal an act to amend an act entitled "An act concerning costs and fees of courts of law, and for other purposes," passed May 4th, 1844, as soon as Monday next.

*Ordered*, That the said resolution be laid on the table.

On motion of Mr. Comstock,

*Resolved*, That two hundred and fifty copies of the report of the Secretary of State, relative to railroad statistics, with the accompanying documents, be printed for the use of the State department.

Mr. A. W. Young offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That so much of the Governor's message as relates to the interests of our State as a member of the Union, be referred to a select committee.

*Ordered*, That the said resolution be laid on the table.

On motion of Mr. M'Carthy,

*Resolved*, That a respectful message be sent to the Senate, requesting them to transmit to this House the papers on file in relation to amending an act entitled "An act to provide for the construction of a railroad from Skaneateles to the Auburn and Syracuse railroad," passed May 19th, 1836 ; and that the papers be referred to the committee on railroads.

In pursuance of previous notice, Mr. Harris asked for and obtained leave to bring in a bill, entitled "An act further to amend the act entitled 'An act to increase the revenues of the State, by extending the market for salt, coal and lead ;'" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the manufacture of salt.

In pursuance of previous notice, Mr. Hannum asked for and obtained leave to bring in a bill, entitled "An act to authorise the levying of an additional tax in the town of Bethany in the county of Genesee ;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

Mr. J. Brooks gave notice that he would ask leave, at an early day, to introduce a bill in relation to taking the census of the people of this State.

Mr. J. Brooks gave notice that he would, at an early day, ask leave to introduce a bill to amend the law providing for the erection of towns and counties.

Mr. J. Brooks gave notice that he would, at an early day, ask leave to introduce a bill prescribing a form for deeds, and in relation to recording the same.

Mr. J. Brooks gave notice that he would, at an early day, ask leave to introduce a bill to provide for taking a vote by the electors of this State, on the question of a convention to amend the Constitution.

Mr. D. Lee gave notice that he would, at an early day, ask leave to introduce a bill to amend the act relating to the inspection of flour in Erie county.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act to amend the act entitled 'An act to increase the revenues of the State, by extending the market for salt, coal and lead,' passed April 18th, 1843," without amendment.

*Ordered*, That the Clerk deliver the said bill to the Governor.

In pursuance of previous notice, Mr. Mather asked for and obtained leave to bring in a bill, entitled "An act relative to notices of suits in chancery, affecting the title to real estate in the city and county of New-York;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

Mr. Frisbee moved to discharge the select committee on the annexation of Texas.

*Ordered*, That the said motion be laid on the table.

Mr. C. F. Crosby offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the Clerk of the House be authorised to erect, in a suitable place near the chair of the Speaker, a platform, from which members may address the House.

*Ordered*, That the said resolution be laid on the table.

Mr. C. F. Crosby offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That hereafter when any member wishes to speak on any subject properly before the House, he shall be required to ascend the rostrum near the Speaker's chair, and from that position deliver his views on the subject.

*Ordered*, That the said resolution be laid on the table.

Mr. Thompson offered for the consideration of the House a preamble and resolution, in the words following, to wit :

WHEREAS the unusual amount of business before this Legislature precludes the possibility of adjourning at or near the usual time that former Legislatures have done :

And whereas, judging from present appearances, this Legislature will not be able to transact all the business before it, nor give to each subject

that calm deliberation and minute investigation ever necessary in order to fulfil our duty to the State and to our constituents :

And whereas members of assembly are annually elected to serve one year, if to them it appears necessary so to do :

Therefore, be it

*Resolved*, (if the Senate concur,) That this Legislature will adjourn on the Saturday previous to the general election in November next.

*Ordered*, That the said resolution be laid on the table.

On motion of Mr. Morrison,

*Ordered*, That the bill on the general orders, for the relief of Edwin Whitney, be taken therefrom, and recommitted to the committee on the petitions of aliens.

Mr. Moulton gave notice that he would, at an early day, ask leave to introduce a bill to prevent the racing and trotting of horses on the third avenue in the city of New-York.

The House then proceeded to the consideration of the resolution heretofore offered by Mr. Van Valkenburgh, in the words following :

*Resolved*, That the standing committee on railroads be permitted to examine the Harlem railroad, for the purpose of ascertaining if it is so constructed as to entitle them to a charter for its continuance to Albany.

On motion of Mr. Hannum,

*Ordered*, That the said resolution be laid on the table.

Mr. Coe moved that the bill relative to the Dansville slip and basin be restored to its original place on the general orders.

Mr. Speaker put the question whether the House would agree to the said motion, and it was determined in the affirmative.

The special order of the House was announced by the Chair, being the consideration of the amendments to the Constitution.

Mr. Huntington moved to postpone the said special order until to-morrow.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Huntington, and it was determined in the negative.

The House then again resolved itself into a committee of the whole, on the said amendments to the Constitution ; and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Constant, from the said committee, reported, that the committee had made some progress on the said amendments, but it appearing that a quorum was not in attendance, he was directed by the forty-first rule of the house to report that fact to the Speaker.

Mr. C. F. Crosby moved that the House do adjourn.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. C. F. Crosby, and it was determined in the negative.

Thereupon,

The roll of members was called, and it appeared that a quorum was present.

The House then again resolved itself into a committee of the whole, on the amendments to the Constitution ; and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Constant, from the said committee, reported progress, and asked for and obtained leave to sit again.



A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
Albany, March 7, 1845. }

TO THE ASSEMBLY.

I have this day approved and signed the bill entitled "An act to amend the act entitled 'An act to increase the revenues of the State, by extending the market for salt, coal and lead,' passed April 18, 1843."  
SILAS WRIGHT.

On motion of Mr. Raymond,  
The House then adjourned to ten o'clock to-morrow morning.

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## SATURDAY, MARCH 8, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Pohlman.

The minutes of yesterday were read and approved.

The petition of sundry inhabitants of the county of Columbia, praying for the repeal of the act passed April 22d, 1844, in relation to the police and criminal courts in the city of Hudson, was read, and referred to the committee on the judiciary.

Two several petitions of the trustees and members of the First Baptist Society of Franklin in the county of Delaware, praying for the passage of a law confirming certain sales of land, were read, and referred to the committee on charitable and religious societies.

The petition of Sebastiana, wife of Hermanus Bleeker, praying for the passage of a law allowing her to hold such real estate as may come to her by devise or otherwise, was read, and referred to the committee on the petitions of aliens.

The petition of sundry inhabitants of the county of Chemung, praying for the appointment of a railroad commissioner, to effect a reform in the management of the railroads between Albany and Buffalo, was read, and referred to the committee on railroads.

The petition of Harman C. Raub of the city of New-York, praying for relief, for certain monies paid by him to the State, was read, and referred to the committee on ways and means.

The petition of sundry inhabitants of the town of Ellisburgh in the county of Jefferson, praying for the passage of a law calling a special town meeting to raise money for the purpose of building a bridge in said town, was read, and referred to the committee on roads and bridges.

Eight several petitions of sundry inhabitants of the counties of Chautauque, Erie, Albany and Genesee, praying for the adoption of a



discriminating system of canal tolls, were read, and referred to the committee on canals.

Five several remonstrances of sundry inhabitants of the counties of Jefferson, Madison, Oswego and St. Lawrence, against the adoption of a discriminating system of canal tolls, were read, and referred to the committee on canals.

The petition of sundry inhabitants residing along the Genesee Valley Canal, praying for the completion of that work, was read, and referred to the committee on canals.

Three several petitions of sundry inhabitants of the counties of Oneida and Lewis, praying for the completion of the Black River Canal, were read, and referred to the committee on canals.

The petition of Simeon Rogers of the county of Broome, praying for relief on account of canal damages, was read, and referred to the committee on canals.

The petition of sundry inhabitants of the county of Orleans, praying for an alteration of the law relating to the taxation of banks, was read, and referred to the committee on banks and insurance companies.

Three several petitions of sundry inhabitants of the counties of Greene and Dutchess, praying for the passage of a law compelling the country banks to redeem their notes at par in the cities of Albany and New-York, were read, and referred to the committee on banks and insurance companies.

Seven several remonstrances of sundry inhabitants of the counties of Erie, Chemung, Livingston, Oneida, Cattaraugus and Genesee, against compelling the banks to redeem their notes at par in Albany and New-York, were read, and referred to the committee on banks and insurance companies.

The remonstrance of sundry inhabitants of the town of Hinsdale in the county of Cattaraugus, against any division of said town, was read, and referred to the committee on the erection and division of towns and counties.

Three several remonstrances of sundry inhabitants of the county of Erie, against the erection of the proposed new county of Schuyler, were read, and referred to the committee on the erection and division of towns and counties.

Three several petitions of sundry inhabitants of the counties of Chautauque and Allegany, praying for the passage of a law abolishing the office of county superintendent of common schools, were read, and referred to the committee on colleges, academies and common schools.

The remonstrance of sundry inhabitants of the county of Chautauque, against abolishing the office of county superintendent of common schools, was read, and referred to the committee on colleges, academies and common schools.

The petition of sundry inhabitants of the county of Columbia, praying for the passage of a law leaving the appointment of county superintendent of common schools discretionary with the board of supervisors, was read, and referred to the committee on colleges, academies and common schools.

The remonstrance of sundry inhabitants of the village of Leroy in the

county of Genesee, against subjecting the highways of said village to the control of the commissioners of highways of the town, was read, and ordered to be laid on the table.

Two several petitions of sundry inhabitants of the counties of Franklin and Genesee, praying for a reduction of lawyers' fees, were read, and referred to the select committee on that subject.

The petition of sundry inhabitants of the county of Albany, praying for an alteration of the law of landlord and tenant, was read, and referred to the select committee on that subject.

The petition of sundry colored inhabitants of the county of Rensselaer, praying for an alteration of the Constitution, so as to allow them to vote without the property qualification, was read, and referred to the select committee on constitutional amendments.

Eight several petitions of sundry inhabitants of the counties of Oswego and Saratoga, praying for the passage of a law submitting the question of license to the people of the several cities and towns, were read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of four hundred and sixty sailors in the port of New-York, against any alteration of the law or increase of the tax upon sailors, to supply the hospital fund for the aid of sick or disabled seamen, was read, and referred to the committee of the whole when on the bill upon that subject.

Eight several petitions of sundry inhabitants of the counties of New-York and Kings, praying for the passage of a law to change the route of the New-York and Erie railroad at certain points, were read, and referred to the committee of the whole when on the bill upon that subject.

Twelve several remonstrances of sundry inhabitants of the counties of New-York and Ulster, against allowing the New-York and Erie Railroad Company to interfere with the rights of the Delaware and Hudson Canal Company, were read, and referred to the committee of the whole when on the bill upon that subject.

Seven several petitions of sundry inhabitants of the counties of Sullivan and New-York, praying that the New-York and Erie Railroad Company may be required to complete their road through the southern tier of counties as far as Binghamton, as a condition that the State shall release its lien thereon, were read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of sundry inhabitants of the village of Hydepark in the county of Dutchess, against chartering a ferry at that place, was read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Cortland, praying for the passage of a law in relation to the district attorney of the said county, was read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of sundry inhabitants of the town of Cliftonpark in the county of Saratoga, against the incorporation of the American and Foreign Bible Society, was read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Onondaga, praying

for the passage of a law prohibiting the practice of betting on the results of elections, was read, and referred to the committee of the whole when on the bill upon that subject.

The memorial of the mayor of the city of New-York, relative to alien passengers, was read.

Mr. Wheeler moved that the said memorial be referred to a select committee, consisting of the members attending this house from the counties of New-York, Kings and Richmond.

Mr. Speaker put the question whether the House would agree to the said motion, and it was determined in the affirmative.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the petition of sundry inhabitants of the county of Suffolk, praying for the passage of an act to compel the Long Island Railroad Company to fence their road, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Chase accordingly brought in the said bill, entitled "An act to amend an act entitled 'An act incorporating the Long Island Railroad Company ;'" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to abolish courts of special sessions, and to reduce town and county expenses," reported, that the committee had gone through the said bill, made sundry amendments thereto, and, as amended, saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to amend an act entitled 'An act relative to incorporations for manufacturing purposes,' passed March 22d, 1811," and found the same correctly engrossed.

*Ordered*, That the said bill do have its third reading.

Mr. Tafft, from the committee on claims, to which was referred the petition of Ledyard and Matthews, canal contractors, praying for relief, reported the following resolution, to wit :

*Resolved*, That the committee on claims be discharged from the consideration of the petition of Ledyard and Matthews, and that the same be referred to the Canal Board.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Tafft, from the committee on claims, to which was referred the petition of Aaron Knapp, for relief, reported favorably to the prayer of the petitioner, and asked leave to bring in a bill.

Leave being granted, Mr. Tafft accordingly brought in the said bill, entitled "An act for the relief of Aaron Knapp ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Tafft, from the committee on claims, to which was referred the petition of J. H. and A. B. King, for relief, reported unfavorably to the



prayer of the petitioners, and offered the following resolution, to wit :

*Resolved*, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. M'Carthy moved that the engrossed bill from the Senate, reported yesterday from the committee on the petitions of aliens, entitled "An act to enable resident aliens to hold and convey real estate," and which was laid on the table, be taken therefrom, and referred to the committee of the whole having charge of the amendments to the Constitution.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. M'Carthy, and it was determined in the affirmative.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the petition of Richard Heyworth, for relief, reported unfavorably to the prayer of the petitioner, and offered the following resolution :

*Resolved*, That the committee on the judiciary be discharged from the further consideration of the petition of Richard Heyworth.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

The report of the Canal Commissioners, in compliance with a resolution of the Assembly, relative to unfinished works on the lateral canals, which have been protected and secured from injury, was received and read.

[See Document No. 150.]

*Ordered*, That the said report be referred to the committee on canals.

The report of the Canal Board, on the reference of the petition of Joshua Reed, for relief, was received and read.

[See Document No. 156.]

*Ordered*, That the said report be referred to the committee on grievances.

The engrossed bill entitled "An act to amend an act entitled 'An act relative to incorporations for manufacturing purposes,' passed March 22d, 1811," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The House then again resolved itself into a committee of the whole, on the amendments to the Constitution, and on the bill entitled "An act to enable resident aliens to hold and convey real estate;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Constant, from the said committee, reported, that the committee had made some progress on the said amendments and bill; but it having appeared that a quorum was not in attendance, he was directed by the forty-first rule of the house to report that fact to the Speaker.

Thereupon, on motion of Mr. Van Schoonhoven,

The House then adjourned to ten o'clock on Monday morning next.



## MONDAY, MARCH 10, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Potter.

The minutes of Saturday were read and approved.

The petition of sundry inhabitants of the village of Westfield in the county of Chautauque, praying for the appointment of a master in chancery in said village, was read, and referred to the committee on the judiciary.

The resolutions adopted at a town meeting held in the town of Oxford in the county of Chenango, in favor of abolishing the office of county superintendent of common schools, and of reducing the salary of the office of district attorney of said county, were read, and so much thereof as relates to the office of county superintendents was referred to the committee on colleges, academies and common schools, and so much as relates to the salary of the said district attorney was referred to the committee on the judiciary.

Four several petitions of sundry inhabitants of the counties of Wyoming, Allegany, Chenango and Chautauque, praying that the office of county superintendent of common schools may be abolished, were read, and referred to the committee on colleges, academies and common schools.

The memorial and proceedings of the electors of the town of Littlefalls in the county of Herkimer, at the last annual town meeting, praying for the passage of a law to enable said town to raise a sum of money in aid of the academy at that place, were read, and referred to the committee on colleges, academies and common schools.

The petition of sundry inhabitants of the village of Warsaw in the county of Wyoming, praying for an amendment of the act incorporating said village, was read, and referred to the committee on the incorporation of cities and villages.

Two several petitions of sundry inhabitants of the county of Ulster, praying for the passage of a law for the preservation of game in said county, were read, and referred to the committee on the internal affairs of towns and counties.

The petition of sundry inhabitants of the town of Bergen in the county of Genesee, praying for the passage of a law to regulate the railroads between the cities of Albany and Buffalo, was read, and referred to the committee on railroads.

The petition of sundry inhabitants of the town of Southold in the county of Suffolk, praying for an amendment of the charter of the Greenhill Wharf Company, was read, and referred to the committee on trade and manufactures.

The petition of sundry inhabitants of the county of Seneca, praying for the passage of an act requiring the railroad companies between the cities of Albany and Buffalo to carry passengers and mails through in fifteen hours, instead of three days, was read, and referred to the committee on railroads.

Two several remonstrances of sundry inhabitants of the counties of Steuben and Chautauque, against the passage of a law compelling the banks of this State to redeem their notes at par in the cities of New-York and Albany, were read, and referred to the committee on banks and insurance companies.

Seven several remonstrances of sundry inhabitants of the county of Chautauque, against any and all divisions of the said county, were read, and referred to the committee on the erection and division of towns and counties.

Two several remonstrances of sundry inhabitants of the town of Chenango in the county of Broome, against any division of said town, were read, and referred to the committee on the erection and division of towns and counties.

Six several petitions of sundry inhabitants of the counties of Chautauque, Genesee and Erie, praying for the adoption of a discriminating system of canal tolls, were read, and referred to the committee on canals.

Four several remonstrances of sundry inhabitants of the counties of St. Lawrence, Oswego and Onondaga, against the adoption of a discriminating system of canal tolls, were read, and referred to the committee on canals.

The petition of sundry inhabitants of the county of Seneca, praying for a repeal of the act of last session, allowing railroad companies to carry freight, was read, and referred to the committee on canals.

The petition of sundry inhabitants of the county of Allegany, praying for the resumption of work on the Genesee Valley Canal, was read, and referred to the committee on canals.

Three several petitions of sundry inhabitants of the counties of Oneida and Lewis, praying for the completion of the Black River Canal, were read, and referred to the committee on canals.

The resolutions adopted at the respective town meetings held in the towns of Sheridan, Arkwright and Hanover in the county of Chautauque, praying for the erection of the proposed new county of Schuyler, were read, and referred to the committee on the erection and division of towns and counties.

The petition of sundry inhabitants of the county of Ontario, praying for the discontinuance of the Seneca turnpike road in said county, was read, and referred to the committee on roads and bridges.

The remonstrance of sundry inhabitants of the county of Broome, against any interference with the charter of the Chenango Bridge Company, was read, and referred to the committee on roads and bridges.

The remonstrance of sundry inhabitants of the county of Ulster, against being taxed to build a bridge in the town of New-Paltz in said county, was read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the county of Cayuga, praying for a repeal of the law passed at the last session, in relation to fees and costs in courts of record, was read, and referred to the select committee on that subject.

The petition of sundry inhabitants of the county of Dutchess, praying for the reduction of the legal rate of interest, was read, and referred to the select committee on that subject.

The petition of sundry colored inhabitants of the county of Tompkins, praying for such an amendment of the Constitution as will permit them to vote without the property qualification, was read, and referred to the select committee on that subject.

Sixteen several petitions of sundry inhabitants of the counties of Chemung, Cattaraugus, New-York, Allegany, Kings and Orange, praying for the consent of the Legislature that the New-York and Erie Railroad Company may construct certain portions of their road in the State of Pennsylvania, were read, and referred to the committee of the whole when on the bill upon that subject.

Two several petitions of sundry inhabitants of the counties of Sullivan and New-York, praying that the New-York and Erie Railroad Company may be required to complete their road through the southern tier of counties as far as Binghamton, as a condition for the release of the State lien, were read, and referred to the committee of the whole when on the bill upon that subject.

Three several remonstrances of sundry inhabitants of the city of New-York, against the passage of the bill introduced in the Assembly, in relation to the New-York and Erie Railroad Company, were read, and referred to the committee of the whole when on the said bill.

Three several petitions of sundry inhabitants of the counties of New-York, Genesee and Tompkins, praying for the passage of a law submitting the question of license to the people, were read, and referred to the committee of the whole when on the bill upon that subject.

Three several remonstrances of sundry inhabitants of the county of Monroe, against the proposed alteration of the boundaries of the city of Rochester, were read, and referred to the committee of the whole when on the bill upon that subject.

Three several petitions of sundry inhabitants of the counties of Wyoming and Erie, praying for the incorporation of the Attica and Hornellsville Railroad Company, were read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of sundry inhabitants of the county of Chenango, against any alteration of the boundaries of the said county, was read, and referred to the committee of the whole when on the bill upon that subject.

The report of the Regents of the University; on the petition of the trustees of St. Lawrence Academy, referred to them by the Assembly, was received and read.

[See Document No. 158.]

*Ordered*, That the said report be referred to the committee on colleges, academies and common schools.

On motion of Mr. Russell,

*Ordered*, That one hundred and fifty additional copies of said report be printed for the use of the Regents of the University.

In pursuance of a resolution of the House,

The House then resolved itself into a committee of the whole, on the bill entitled "An act to incorporate the American Home Missionary



Society," on the bill entitled "An act to authorise and require the trustees of joint school district number fourteen of Clay and Cicero to levy and collect a tax for the relief of Hiram M. Wright and Joseph Rector," and on the bill entitled "An act to authorise the Baptist Church and Society of Plainville to change their name;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. S. A. Brown, from the said committee, reported, that the committee had gone through the bill entitled "An act to incorporate the American Home Missionary Society," made sundry amendments thereto, and agreed to the same; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. S. A. Brown, from the same committee, reported, that the committee had gone through the bill entitled "An act to authorise and require the trustees of joint school district number fourteen of Clay and Cicero to levy and collect a tax for the relief of Hiram M. Wright and Joseph Rector," made sundry amendments thereto, and agreed to the same; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. S. A. Brown, from the same committee, reported, that the committee had gone through the bill entitled "An act to authorise the Baptist Church and Society of Plainville to change their name," and agreed to the same without amendment; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

The House then resolved itself into a committee of the whole, on the bill entitled "An act to provide for the building of a bridge over the Seneca river, between the towns of Salina and Lysander in the county of Onondaga;" on the bill entitled "An act to repeal the charter of the Oswego Turnpike Road Company, passed March 30th, 1809;" and on the bill entitled "An act to confirm the title to certain lands in Catharine Adams of the city of Utica in the county of Oneida;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. J. Young, from the said committee, reported, that the committee had gone through the bill entitled "An act to provide for the building of a bridge over the Seneca river, between the towns of Salina and Lysander in the county of Onondaga," and agreed to the same without amendment; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. J. Young, from the same committee, reported, that the committee had gone through the bill entitled "An act to repeal the charter of the Oswego Turnpike Road Company, passed March 30th, 1809," and agreed to the same without amendment; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. J. Young, from the same committee, reported, that the committee had gone through the bill entitled "An act to confirm the title to certain lands in Catharine Adams of the city of Utica in the county of Oneida," and agreed to the same without amendment; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

The House then resolved itself into a committee of the whole, on the bill entitled "An act to amend and renew an act to provide for the construction of a railroad from Oswego to Syracuse, passed April 29th,



1839;" on the bill entitled "An act amendatory of the acts in relation to the election and terms of office of town assessors and commissioners of highways;" and on the bill entitled "An act to confirm the title to certain lands in the widow and heirs at law of John Rowland, late of the town of Brighton in the county of Monroe, deceased;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Chase, from the said committee, reported, that the committee had made some progress on the bill entitled "An act to amend and renew an act to provide for the construction of a railroad from Oswego to Syracuse, passed April 29th, 1839;" but not having gone through with the same, had directed their chairman to ask for leave to sit again.

Mr. Speaker put the question whether the House would grant the committee of the whole leave to sit again on the said bill, and it was determined in the affirmative.

Mr. Chase, from the same committee, reported, that the committee had made some progress on the bill entitled "An act amendatory of the acts in relation to the election and terms of office of town assessors and commissioners of highways;" but not having gone through with the same, had directed their chairman to ask for leave to sit again.

Mr. Comstock moved to recommit the said bill to the committee on the internal affairs of towns and counties.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Comstock, and it was determined in the affirmative.

Mr. Chase, from the same committee, reported, that the committee had gone through the bill entitled "An act to confirm the title to certain lands in the widow and heirs at law of John Rowland, late of the town of Brighton in the county of Monroe, deceased," and agreed to the same without amendment; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

The House then resolved itself into a committee of the whole, on the bill entitled "An act to renew, amend and continue in force the act entitled 'An act to incorporate the New-Hartford Manufacturing Society in the county of Oneida,' and change the name thereof;" on the bill entitled "An act for the relief of Abel Chandler," and on the bill entitled "An act to erect the town of Chester in the county of Orange;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Van Valkenburgh, from the said committee, reported progress on the said bills severally, and asked for and obtained leave to sit again.

The Annual Report of the Commissioners of the Canal Fund was received and read.

[See Document No 165.]

On motion of Mr. Thompson,

*Ordered*, That five times the usual number of copies of said report be printed for the use of the Legislature, and one hundred and fifty additional copies for the use of the Commissioners of the Canal Fund.

The report of the Comptroller, in answer to a resolution of the Assembly of the twenty-eight ultimo, in relation to the Delaware and Hudson Canal Company, was received and read.

[See Document No. 155.]

*Ordered*, That the said report be laid on the table.

The report of the Canal Commissioners, in relation to the unfinished works on the Genesee Valley Canal, was received and read.

[*See Document No. 154.*]

*Ordered*, That the said report be laid on the table.

A message from the Senate, with the bill therein mentioned, was received and read, informing that the Senate have passed the bill entitled "An act to amend the forty-seventh section of the Revised Statutes, relating to courts held by justices of the peace," and request the concurrence of the Assembly in the same.

The said bill was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act to extend the time for the collection of taxes in the town of Warren, county of Herkimer," without amendment.

*Ordered*, That the Clerk deliver the said bill to the Governor.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act authorising the Surveyor General to lease a certain lot of land belonging to the State in the St. Regis reservation," with the amendments accompanying the same.

The said amendments having been read,

*Ordered*, That the same be referred to the committee on the public lands.

A message from the Senate, with the bill therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act to authorise the payment of certain money awarded to Timothy Eddy," and request the concurrence of the Assembly in the same.

The said bill was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

On motion of Mr. Van Schoonhoven,

The House then took a recess until four o'clock this afternoon.

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#### FOUR O'CLOCK P. M.

The House again met.

The Speaker announced the special order of the House, being the consideration of the bill entitled "An act relating to excise, and to licensing retailers of intoxicating liquors."

Whereupon,

The House resolved itself into a committee of the whole on the said bill; and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. M'Carthy, from the said committee, reported, that the committee had gone through the said bill, made sundry amendments

thereto, and agreed to the same; which he was directed to report to the house.

Mr. C. F. Crosby moved that the said bill be recommitted to the select committee on the subject of license, with instructions to report the same complete.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. C. F. Crosby, and it was determined in the negative.

Mr. J. Young moved that the House do adjourn.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. J. Young, and it was determined in the negative.

Mr. T. R. Lee moved to recommit the said bill to the said select committee, with instructions to report the same complete as to verbal amendments.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. T. R. Lee, and it was determined in the affirmative.

On motion of Mr. C. B. Miller,

The House then adjourned to ten o'clock to-morrow morning.

## TUESDAY, MARCH 11, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Phillips.

The minutes of yesterday were read and approved.

The petition of sundry inhabitants of the town of Broome in the county of Schoharie, praying that the proceedings of the last town meeting held in said town may be set aside for illegality, was read, and referred to the committee on the judiciary.

Five several petitions of sundry inhabitants of the county of Erie, praying for the passage of a law directing the supervisors of said county to construct a bridge across the Buffalo creek on the Abbott road, was read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the city of New-York, praying for relief to the "Society for the Support of the Colored Home," was read, and referred to the committee on charitable and religious societies.

The petition of the Warwick Railroad Company, praying for an extension of their charter, was read, and referred to the committee on railroads.

The petition of sundry inhabitants of the county of Schenectady, praying for the repeal of the law allowing railroad companies to carry freight, was read, and referred to the committee on railroads.

The petition of the stockholders of the Commercial Bank of Rochester, praying for the passage of a law taxing them only on their actual capital, was read, and referred to the committee on banks and insurance companies.

The petition of sundry inhabitants of the county of Ulster, praying



for the passage of a law compelling the banks to redeem their notes at par in the city of New-York, was read, and referred to the committee on banks and insurance companies.

Two several remonstrances of sundry inhabitants of the counties of Erie and Niagara, against compelling the banks of this State to redeem their notes at par in the city of Albany or New-York, were read, and referred to the committee on banks and insurance companies.

The petition of sundry inhabitants of the town of Ellenburgh in the county of Clinton, praying for permission to pass the toll-gate on the military turnpike free of toll, or that their highway work may be laid out on the cross roads in said town, was read, and referred to the committee on roads and bridges.

Three several petitions of sundry inhabitants of the counties of Greene and Clinton, praying for the passage of a law abolishing the office of county superintendent of common schools, were read, and referred to the committee on colleges, academies and common schools.

The resolutions adopted at a town meeting held in the town of Brandt in the county of Erie, in favor of the erection of the proposed new county of Schuyler, were read, and referred to the committee on the erection and division of towns and counties.

The petition of sundry inhabitants of the county of Clinton, praying for the erection of a new town in said county, to be called Clinton, was read, and referred to the committee on the erection and division of towns and counties.

The proceedings of a vote taken in the towns of Ellery, Harmony and Poland in the county of Chautauque, remonstrating against any division of said county, were read, and referred to the committee on the erection and division of towns and counties.

Six several petitions of sundry inhabitants of the county of Schoharie, praying for the erection of a new town in said county, to be called Wright, were read, and referred to the committee on the erection and division of towns and counties.

Three several petitions of sundry inhabitants of the counties of Oneida and Jefferson, praying for the completion of the Black River Canal, were read, and referred to the committee on canals.

Ten several petitions of sundry inhabitants of the counties of Fulton, Niagara, Erie, Allegany and Chautauque, praying for the adoption of a discriminating system of canal tolls, were read, and referred to the committee on canals.

Three several remonstrances of sundry inhabitants of the counties of Oswego and Madison, against the adoption of a discriminating system of canal tolls, were read, and referred to the committee on canals.

The petition of sundry inhabitants of the county of Montgomery, praying for the repeal of the law allowing railroad companies to carry freight, was read, and referred to the committee on canals.

The petition of sundry inhabitants of Western New-York, praying for a dissolution of the Union, in case Texas is annexed to the United States, was read.

Mr. Russell moved to lay the said petition on the table.

Mr. Speaker put the question whether the House would agree to the said motion, and it was determined in the affirmative.



The petition of sundry inhabitants of the county of Allegany, praying for the passage of a law exempting persons over sixty years of age from a poll tax for highway purposes, was read.

Mr. Collins moved that the said petition be referred to a select committee.

Mr. Speaker put the question whether the House would agree to the said motion, and it was determined in the affirmative.

Fifteen several petitions of sundry inhabitants of the counties of New-York and Kings, praying leave for the New-York and Erie Railroad Company to extend their road into the counties of Pike and Susquehannah in the State of Pennsylvania; and also for a release of the State lien thereon, upon certain conditions, were read, and referred to the committee of the whole when on the bill upon that subject.

Five several remonstrances of sundry inhabitants of the county of Ulster, against allowing the New-York and Erie Railroad Company to interfere with the rights of the Delaware and Hudson Canal Company, were read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Greene, praying for a change in the license law, was read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Schoharie, praying for an alteration of the law of landlord and tenant, was read, and referred to the select committee on that subject.

Two several remonstrances of sundry inhabitants of the county of Chenango, against any division of said county, were read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Erie, praying for the incorporation of a company to construct a railroad from the city of Buffalo, to the village of Hornellsville in the county of Steuben, was read, and referred to the committee of the whole when on the bill upon that subject.

Two several petitions of sundry inhabitants of the county of Sullivan, praying for the passage of a law compelling the New-York and Erie Railroad Company to complete their road to Binghamton through the southern tier of counties, as a condition for releasing the State lien, were read, and referred to the committee of the whole when on the bill upon that subject.

Two several remonstrances of sundry inhabitants of the city of New-York, against relinquishing the State lien upon the New-York and Erie railroad, except on such conditions as will secure its completion, were read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Cortland, praying for the passage of a law in relation to the district attorney of the said county, was read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Seneca, praying for the passage of a law authorising each town to pay its own constables and justices of the peace, was read, and referred to the committee of the whole when on the bill upon that subject.

Mr. Thompson, from the committee on charitable and religious societies, to which was referred the petition of Bernard O'Reilly and others, praying for the incorporation of the Roman Catholic Orphan Asylum Society of the city of Rochester, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Thompson accordingly brought in the said bill, entitled "An act to incorporate the Roman Catholic Orphan Asylum Society of the city of Rochester;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Bailey, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to authorise and require the trustees of joint school district number fourteen of Clay and Cicero to levy and collect a tax for the relief of Hiram M. Wright and Joseph Rector;" the bill entitled "An act to confirm the title to certain lands in the widow and heirs at law of John Rowland, late of the town of Brighton in the county of Monroe, deceased;" the bill entitled "An act to authorise the Baptist Church and Society of Plainville to change their name;" the bill entitled "An act to confirm the title to certain lands in Catharine Adams of the city of Utica in the county of Oneida;" the bill entitled "An act to repeal the charter of the Owego Turnpike Road Company," and the bill entitled "An act to incorporate the American Home Missionary Society," and found the same severally correctly engrossed.

*Ordered*, That the said bills do have their third reading.

Mr. Tefft, from the committee on claims, to which was referred the petition of Henry Rector, for relief, reported unfavorably to the prayer of the petitioners, and offered the following resolution, to wit :

*Resolved*, That the committee on claims be discharged from the consideration of the petition of Henry Rector.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. S. A. Brown, from the committee on the petitions of aliens, to which was referred the petition of James Martin and others, praying for a release of certain escheated lands, reported in writing, and asked leave to bring in a bill.

[*See Document No. 172.*]

Leave being granted, Mr. S. A. Brown accordingly brought in the said bill, entitled "An act for the relief of the heirs at law of James Martin;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Billings, from the committee on banks and insurance companies, to which was referred the petition of the East River Fire Insurance Company, for an amendment to their charter, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Billings accordingly brought in the said bill, entitled "An act to amend an act entitled 'An act to incorporate the

East River Fire Insurance Company of the city of New-York,' and the acts amendatory thereof;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Sears, from the committee on canals, to which was referred the petition of Baltis Simmons, for relief, reported favorably to the prayer of the petitioner, and asked leave to bring in a bill.

Leave being granted, Mr. Sears accordingly brought in the said bill, entitled "An act for the relief of Baltis Simmons;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Van Valkenburgh, from the committee on railroads, asked for and obtained leave to bring in a bill, entitled "An act in relation to the construction of the New-York and Erie railroad;" which was read the first time, and by unanimous consent was also read a second time, and, on motion of Mr. Van Valkenburgh, referred to the committee of the whole having charge of the bill upon the same subject.

Mr. Knapp, from the committee on the public lands, to which was referred the petition of William Page and others, purchasers of lands in the Oneida and Stockbridge Indian reservations, praying for a release from the interest due on their bonds, reported unfavorably to the prayer of the petitioners, and offered the following resolution, to wit :

*Resolved*, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

A communication from the Attorney General was received and read, in the words following, to wit :

STATE OF NEW-YORK, }  
ATTORNEY GENERAL'S OFFICE. }  
*Albany, March 11, 1845.*

The Hon. HORATIO SEYMOUR,  
*Speaker of the Assembly.*

SIR,

I herewith transmit to the Assembly my report, in obedience to a resolution of that body of the fourth instant.

I have the honor to be,

Your obedient servant,

JOHN VAN BUREN.

[ See Document No. 159. ]

*Ordered*, That the said report be laid on the table.

By unanimous consent,

Mr. Hervey, from the committee on charitable and religious societies, to which was referred the petition of the trustees and members of the First Baptist Society of Franklin, Delaware county, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Hervey accordingly brought in the said bill, entitled "An act to confirm the sale of real estate made by the



trustees of the First Baptist Church and Society in the town of Franklin, and for the relief of said society ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

The engrossed bill entitled "An act to authorise and require the trustees of joint school district number fourteen of Clay and Cicero to levy and collect a tax for the relief of Hiram M. Wright and Joseph Rector," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to repeal the charter of the Owego Turnpike Company, passed March 30th, 1809," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

*Ordered*, That Mr. S. Miller have leave of absence for fourteen days, Mr. Morrison for five days, Mr. Mersereau for fourteen days, Mr. A. H. Buell for ten days, Mr. Wilcox for seven days, Mr. Dayton for ten days, Mr. Winant for four days, and Mr. Sherman for five days.

The House then proceeded to the consideration of the resolution heretofore offered by Mr. Howard, in the words following, to wit :

*Resolved*, That the Canal Commissioners be instructed to report to this House, the amount of new work on the enlarged Erie Canal that has been brought into use since 1842, and the cost of the same, and the circumstances attending the adoption of such work ; also all new work which they anticipate bringing into use the present season, the cost thereof, etc.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

The House then proceeded to the consideration of the resolution heretofore offered by Mr. M. Brooks, in the words following, to wit :

*Resolved*, That the committee on banks and insurance companies be instructed to inquire whether an unusual amount of the funds of the country banks or banking associations are loaned to or deposited with brokers ; whether the said banks or brokers derive a profit exceeding the legal rate of interest, or any other illegal benefit from the use of said funds ; the security taken for the repayment of said loans and deposits ; the conditions on which the said loans and deposits are made by such banks to such brokers ; and whether the funds of such banks and banking associations cannot be used with benefit to the public at their several localities ; and whether any banks or banking associations do business of banking at other places than those where their offices purport to be located ; and that said committee have power to send for persons and papers.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.



Mr. Morris offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That it be referred to the Attorney General to report to this House, whether or not, in his opinion, an act authorising the New-York and Erie Railroad Company to construct any portion of their road in Pennsylvania requires a vote of two-thirds of the members elected to this house ; also in relation to relinquishing the State lien upon the said road.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

On motion of Mr. Kinne,

*Resolved*, That the petition and papers on the files of this house, relating to the claim of Geer, Kasson and Breed, be taken therefrom, and referred to the committee on canals.

The House then proceeded to the consideration of the resolution heretofore offered by Mr. Thompson, in the words following, to wit :

*Resolved*, That the Comptroller be requested to report to this House the amount of auction duties which have been annually paid into the State Treasury, from the passage of the law requiring such payments, to the present time.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

On motion of Mr. Skelton,

*Resolved*, That the petition and other papers of Ferdinand Mogan and wife be taken from the files of the house, and referred to the committee on the petitions of aliens.

Mr. Chase moved to reconsider the vote on agreeing to the resolution offered by Mr. Morris, in the words following, to wit :

*Resolved*, That it be referred to the Attorney General to report to this House, whether or not, in his opinion, an act authorising the New-York and Erie Railroad Company to construct any portion of their road in Pennsylvania requires a vote of two-thirds of the members elected to this house ; also in relation to relinquishing the State lien upon the said road.

*Ordered*, That the said motion and resolution be laid on the table.

Mr. Searing gave notice that he would, at some future day, ask leave to introduce a bill to provide for the safe keeping of the records and papers on file with the clerk of chancery for the seventh circuit of this State.

On motion of Mr. Sears,

*Resolved*, That the report made at the last session of the Legislature, by the committee on canals, and upon which the same committee this year reported the bill to remove cases decided by the Canal Board to the Supreme Court by certiorari, be printed.

Mr. Harris offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill authorising the extension of the docks in the city of Albany south of Hamilton-street, be restored to its original place upon the general orders.

*Ordered*, That the said resolution be laid on the table.

Mr. J. Brooks offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the Attorney General be requested to report to this House, as soon as may be, the shortest and simplest form of a deed, which, if incorporated into the laws of this State, would answer in all ordinary cases of conveying real estate.

*Ordered*, That the said resolution be laid on the table.

The House then proceeded to the consideration of the resolution heretofore offered by Mr. Van Schoonhoven, in the words following :

WHEREAS the People of the United States, in the organization of the General Government, did frame, ratify and declare an organic or fundamental law, denominated the "Constitution of the United States," designed not only to secure the union of the several States and promote the general welfare of the whole country, but especially and pre-eminently to secure the blessings of liberty to themselves and their posterity :

And whereas by an existing law of the State of South-Carolina, passed December 29th, 1835, the rights, privileges and immunities, and especially the personal liberty, of a large and very worthy portion of the free citizens of the State of New-York are directly infringed upon and violated ; the same being in direct conflict with, and utter disregard of, the provisions of said Constitution :

And whereas it is the duty of this, and of every other State of the Union, to watch over and protect all, and especially the most valuable and sacred rights of the citizens thereof, with incessant and untiring vigilance, and ever to manifest a promptness and determination to assert and vindicate these rights in all lawful ways :

Therefore,

*Resolved*, That (the Senate concurring) the Legislature of this State do hereby most solemnly protest against the said law, so as aforesaid passed by the State of South-Carolina ; and that His Excellency the Governor of New-York be, and he is hereby requested to communicate forthwith upon this subject with His Excellency the Governor of South-Carolina, transmitting a copy of the foregoing preamble and of this resolution, and earnestly to request of said State the repeal of any and every provision of said law referred to, inconsistent with the spirit and principles of said preamble, at the earliest possible day.

Mr. T. R. Lee moved to lay the said resolution on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. T. R. Lee, and it was determined in the affirmative.

{ AYES 56 }  
{ NAYS 37 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

Mr. Bailey  
Mr. Bevens

Mr. Hervey  
Mr. Jarvis

Mr. Russell  
Mr. Sager

|               |                  |                     |
|---------------|------------------|---------------------|
| Mr. Billings  | Mr. Jones        | Mr. Salisbury       |
| Mr. Boughton  | Mr. Kinne        | Mr. Searing         |
| Mr. J. Brooks | Mr. Knapp        | Mr. Sears           |
| Mr. M. Brooks | Mr. T. R. Lee    | Mr. Skelton         |
| Mr. Brower    | Mr. M'Carthy     | Mr. A. C. Smith     |
| Mr. Bunker    | Mr. M'Donald     | Mr. W. Smith        |
| Mr. Burdick   | Mr. M'Key        | Mr. Speaker         |
| Mr. Cameron   | Mr. C. B. Miller | Mr. R. L. Stevenson |
| Mr. Chase     | Mr. Morris       | Mr. Strobidge       |
| Mr. Comstock  | Mr. Moulton      | Mr. Tefft           |
| Mr. Constant  | Mr. Newkirk      | Mr. Thompson        |
| Mr. Crain     | Mr. Niven        | Mr. Tnithill        |
| Mr. Danforth  | Mr. Oakley       | Mr. Van Valkenburgh |
| Mr. Gregory   | Mr. Pardee       | Mr. Walrath         |
| Mr. Hall      | Mr. Porter       | Mr. Wheeler         |
| Mr. Harden    | Mr. Preston      | Mr. Whitney         |
| Mr. Hazelton  | Mr. Rogers       |                     |

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Those who voted in the negative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Betts        | Mr. Giffard    | Mr. M'Vean          |
| Mr. Blake        | Mr. G. Goold   | Mr. Mann            |
| Mr. Bloss        | Mr. Hannum     | Mr. Mather          |
| Mr. S. A. Brown  | Mr. Harris     | Mr. Raymond         |
| Mr. Bush         | Mr. Horton     | Mr. Rice            |
| Mr. Collins      | Mr. Howard     | Mr. Ross            |
| Mr. C. F. Crosby | Mr. Hunt       | Mr. Spring          |
| Mr. E. Crosby    | Mr. Huntington | Mr. J. Stevenson    |
| Mr. Culver       | Mr. Johnson    | Mr. Van Schoonhoven |
| Mr. Dewey        | Mr. D. Lee     | Mr. Wells           |
| Mr. Edwards      | Mr. Litchfield | Mr. White           |
| Mr. Field        | Mr. Long       | Mr. A. W. Young     |
| Mr. Frisbee      |                |                     |

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The House then proceeded to the consideration of the resolution heretofore offered by Mr. Blake, in the words following, to wit :

*Resolved*, That this House will hereafter meet at four o'clock every afternoon (excepting Sundays), for the purpose of considering the proposed amendments to the Constitution, and unfinished business generally.

Mr. Hannum moved to lay the said resolution on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Hannum, and it was determined in the affirmative.

Mr. Wheeler offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the railroad committee be permitted to visit and examine the Harlem railroad, for the purpose of ascertaining from personal examination if the same is judiciously built ; and that all expenses under this resolution shall be at the expense of the said company.

*Ordered*, That the said resolution be laid on the table.

In pursuance of previous notice, Mr. J. Brooks asked for and ob-



tained leave to bring in a bill, entitled "An act to amend the law providing for the erection of towns and counties;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the erection and division of towns and counties.

On motion of Mr. Sears,

*Resolved*, That the petition and papers of Charles J. Hill, referred to the committee on canals, be referred to the Canal Commissioners, requesting them to report on the same.

The House then proceeded to the consideration of the resolution heretofore offered by Mr. Oakley, in the words following, to wit :

*Resolved*, That on and after Monday next, this House hold an afternoon session from four to six o'clock, to be devoted to general orders.

Mr. Russell moved to amend the said resolution, so as to restrict afternoon sessions to Tuesdays and Thursdays.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Russell, and it was determined in the affirmative.

The question recurred on agreeing to the said resolution, as amended.

Debates were had thereon ; when,

The hour of twelve o'clock at noon having arrived, the Chair announced the special order of the House, being the consideration of the amendments to the Constitution, and of the engrossed bill from the Senate, entitled "An act to enable resident aliens to hold and convey real estate."

The House then again resolved itself into a committee of the whole, on the said amendments and bill ; and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Constant, from the said committee, reported progress on the said amendments, and asked for and obtained leave to sit again.

Mr. Constant, from the same committee, also reported progress on the said engrossed bill from the Senate, entitled "An act to enable resident aliens to hold and convey real estate," and asked for leave to sit again.

Mr. Worden moved to refer the said bill to a select committee, with instructions to report the same complete.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Worden, and it was determined in the affirmative.

A message from the Senate, with the bills therein mentioned, was received and read, informing that the Senate have passed the bill entitled "An act relating to elections in the city of Troy;" the bill entitled "An act in relation to the recording of patents for lands in certain cases;" the bill entitled "An act to enable the supervisors of the city and county of New-York to raise money by tax;" the bill entitled "An act authorising Thornby Everett Schoolar to change his name to Thornby Schoolar Everett;" and the bill entitled "An act for the relief of Rebecca Kieyle, an alien," and request the concurrence of the Assembly in the same.

The said bills were severally read the first time, and by unanimous consent were also read a second time, and the bill entitled "An act relating to elections in the city of Troy," was referred to the committee on the judiciary ; the bill entitled "An act in relation to the recording



of patents for lands in certain cases," was referred to the committee on the public lands; the bill entitled "An act to enable the supervisors of the city and county of New-York to raise money by tax," was referred to the committee on ways and means; the bill entitled "An act authorising Thornby Everett Schoolar to change his name to Thornby Schoolar Everett," was referred to the committee on the judiciary; and the bill entitled "An act for the relief of Rebecca Kieyle, an alien," was referred to the committee on the petitions of aliens.

A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
Albany, March 11, 1845. }

TO THE ASSEMBLY.

I have this day approved and signed the bill entitled "An act to extend the time for the collection of taxes in the town of Warren, county of Herkimer."

SILAS WRIGHT.

By unanimous consent,

Mr. Garretson, from the select committee to which was referred the bill entitled "An act relating to excise, and to licensing retailers of intoxicating liquors," with instructions to report the same complete as to verbal amendments, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said report and bill be laid on the table.

On motion of Mr. Bush,

The House then adjourned to ten o'clock to-morrow morning.

WEDNESDAY, MARCH 12, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Potter.

The minutes of yesterday were read and approved.

The petition of sundry mechanics and others of the county of Herkimer, praying for the passage of a law giving to mechanics a lien on the buildings or property constructed, for the amount of their services and the materials furnished by them, was read, and referred to the committee on the judiciary.

Two several petitions of sundry inhabitants of the county of Broome, praying for a modification of the law relative to the imprisonment of defendants on damages and costs, were read, and referred to the committee on the judiciary.

The petition of Stewart Skillman and Sarah L. Skillman of the city of New-York, praying for the passage of a law to change their names, was read, and referred to the committee on the judiciary.

The remonstrance of the common council of the city of Troy, against the passage of an act relating to the election of certain officers of said city, was read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the county of Wyoming, praying for the passage of a law to regulate the railroads between the cities of Albany and Buffalo, was read, and referred to the committee on railroads.

The memorial of sundry inhabitants of the town of Dix in the county of Chemung, praying for the election of a railroad commissioner, to protect the public from imposition on the railroads from Albany to Buffalo, and for the repeal of the law allowing railroad companies to carry freight, was read, and referred to the committee on railroads.

The memorial of the widow and children of James Amory deceased, in relation to assessments, was read, and referred to the committee on ways and means.

The remonstrance of sundry inhabitants of the city of Troy, against the erection of a bridge across the Hudson river at the city of Albany, was read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the town of Somers in the county of Westchester, praying for the improvement of the road from Peekskill to Somers, was read, and referred to the committee on roads and bridges.

Three several petitions of sundry inhabitants of the counties of Dutchess and Orange, praying that the subject of license or no license may be submitted to the people, were read, and ordered to be laid upon the table.

Two several petitions of sundry inhabitants of the counties of Dutchess and Westchester, praying for the passage of a law making common schools free, were read, and referred to the committee on colleges, academies and common schools.

The resolution adopted at a town meeting held in the town of Bainbridge in the county of Chenango, in favor of abolishing the office of county superintendent of common schools, was read, and referred to the committee on colleges, academies and common schools.

The petition of the trustees of school district number nine in the town of Pembroke in the county of Genesee, praying for relief, was read, and referred to the committee on colleges, academies and common schools.

Three several remonstrances of sundry inhabitants of the counties of St. Lawrence and Chemung, against compelling the country banks to redeem their notes at par in the city of Albany or New-York, were read, and referred to the committee on banks and insurance companies.

The petition of the New-York Fire Insurance Company of the city of New-York, praying for an amendment of their charter, was read, and referred to the committee on banks and insurance companies.

The memorial of Francis Skiddy of the city of New-York, praying for relief from the imposition of ruinous assessments upon the estate of himself and his heirs, was read, and referred to the Attorney General.

The remonstrance of Stephen Allen and others of the city of New-York, against the passage of the act to reduce the salaries of the Secretary of State and Comptroller of the State of New-York, was read, and

referred to the committee on the expenses of the executive department.

The petition of a portion of the Oneida tribe of Indians, praying for their share of the avails of the sale of the mission lot, was read, and referred to the committee on indian affairs.

The remonstrance of sundry inhabitants of the town of Manheim in the county of Herkimer, against extending the boundaries of the town of Littlefalls so as to embrace the entire village of Littlefalls, was read, and referred to the committee on the erection and division of towns and counties.

The remonstrance of the common council of the city of Troy, against the passage of an act to set off a part of said city to the town of Brunswick, was read, and referred to the committee on the erection and division of towns and counties.

The remonstrance of sundry inhabitants of the town of Chenango in the county of Broome, against any division of the said town, was read, and referred to the committee on the erection and division of towns and counties.

The remonstrance of sundry inhabitants of the town of Frenchcreek in the county of Chautauque, against any division of said county, was read, and referred to the committee on the erection and division of towns and counties.

Two several petitions of sundry inhabitants of the town of Mountpleasant in the county of Westchester, praying for a modification of the charter of the village of Singsing, were read, and referred to the committee on the internal affairs of towns and counties.

The petition of Isaac Adriance and others of the city of New-York, praying for the passage of a law to prevent the racing and trotting of horses on any of the roads or avenues of the said city, was read, and referred to the committee on the internal affairs of towns and counties.

The petition of sundry inhabitants of the county of Cattaraugus, praying for the establishment of a ferry across the Allegany river, was read, and referred to the committee on the internal affairs of town and counties.

The petition of sundry inhabitants of the county of Ulster, praying for the repeal of so much of the law levying a tax on dogs as relates to the said county, was read, and referred to the committee on the internal affairs of towns and counties.

The petition of B. S. Roberts of the village of Plattsburgh in the county of Clinton, praying for relief, was read, and referred to the committee on claims.

The petition of Thomas Noyes and others of the county of Chemung, praying for an amendment of the act entitled "An act for the relief of Thomas Noyes," was read, and referred to the committee on claims.

Seven several petitions of sundry inhabitants of the counties of Chautauque, Allegany and Genesee, praying for the passage of a law to protect the revenue of the Erie Canal against the competition of the Welland Canal, were read, and referred to the committee on canals.

Three several petitions of sundry inhabitants of the counties of Lewis and Oneida, praying for the completion of the Black River Canal, were read, and referred to the committee on canals.



Two several petitions of sundry inhabitants of the counties of Herkimer and Oneida, praying for the repeal of the law authorising railroad companies to carry freight, were read, and referred to the committee on canals.

The petition of sundry inhabitants of the city of Buffalo, praying for the completion of the canal basin in said city, was read, and referred to the committee on canals.

The petition of sundry inhabitants of the county of Dutchess, praying for the reduction of the rate of interest to six per cent, was read, and referred to the select committee on that subject.

Two several petitions of sundry inhabitants of the county of Albany, praying for an alteration of the law of landlord and tenant, were read, and referred to the select committee on that subject.

Fourteen several petitions of sundry inhabitants of the counties of Kings, New-York and Cattaraugus, praying the Legislature to consent to the location of certain portions of the New-York and Erie railroad in the State of Pennsylvania, were read, and referred to the committee of the whole when on the bill upon that subject.

Nine several remonstrances of sundry inhabitants of the counties of Ulster, Orange, Otsego and Broome, against locating any portion of the New-York and Erie railroad in Pennsylvania, were read, and referred to the committee of the whole when on the bill upon that subject.

Six several petitions of sundry inhabitants of the counties of Sullivan, New-York and Dutchess, praying that the New-York and Erie Railroad Company may be required to construct their road through the southern tier of counties, as far Binghamton, as a condition for the release of the State lien, were read, and referred to the committee of the whole when on the bill upon that subject.

Four several remonstrances of sundry inhabitants of the counties of Dutchess and Ulster, against allowing the New-York and Erie Railroad Company to interfere in any manner with the rights of the Delaware and Hudson Canal Company, were read, and referred to the committee of the whole when on the bill upon that subject.

Four several remonstrances of sundry inhabitants of the county of Monroe, against the passage of the bill in relation to the city of Rochester, were read, and referred to the committee of the whole when on the said bill.

Two several remonstrances of sundry inhabitants of the counties of Otsego and Chenango, against the erection of the proposed new county of Unadilla, were read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Dutchess, praying for the construction of a road through the Highlands, by convict labor, was read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Cortland, praying for the passage of a law making the district attorney of said county a salary officer, was read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of the common council of the city of Troy, against



the passage of the bill relating to elections in that city, was read, and referred to the committee of the whole when on the said bill.

The petition of sundry inhabitants of the county of Queens, praying for the passage of a law compelling the Long Island Railroad Company to fence their road, was read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Seneca, praying for the passage of a law compelling each town to pay the expense of preserving the peace within its own limits, was read, and referred to the committee of the whole when on the bill upon that subject.

Mr. Tefft, from the committee on claims, to which was referred the petition of John Burch, for the passage of a law authorising the Canal Appraisers to pass upon and determine his claims submitted to them for canal damages, reported unfavorably to the prayer of the petitioner, and offered the following resolution, to wit :

*Resolved*, That the committee on claims be discharged from the further consideration of the petition of John Burch.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Pardee, from the committee on roads and bridges, to which was referred the petition of sundry inhabitants of the county of Orleans, relative to certain bridges, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Pardee accordingly brought in the said bill, entitled "An act to raise money in the county of Orleans ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Billings, from the committee on banks and insurance companies, to which was referred the petition of the Equitable Insurance Company of the city of New-York, for an amendment of their charter, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Billings accordingly brought in the said bill, entitled "An act to amend the charter of the New-York Equitable Insurance Company ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to provide for building a bridge over the Seneca river between the towns of Salina and Lysander in the county of Onondaga," and found the same correctly engrossed.

*Ordered*, That the said bill do have its third reading.

Mr. Frisbee, from the committee on roads and bridges, to which was referred the petition of sundry inhabitants of the county of Erie, relative to a bridge over Buffalo creek, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Frisbee accordingly brought in the said bill, entitled "An act to construct a bridge over Buffalo creek and the Abbott's road in the county of Erie ;" which was read the first time,

and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Ross, from the committee on the incorporation of cities and villages, to which was referred the petition of sundry inhabitants of the village of Warsaw in the county of Wyoming, for an amendment of the charter of the said village, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Ross accordingly brought in the said bill, entitled "An act to amend an act entitled 'An act to incorporate the village of Warsaw;'" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Chase, from the committee of conference appointed on the part of the Assembly, to confer with a similar committee on the part of the Senate, on the amendments to the bill entitled "An act to pay the militia called into service in December 1844 and January 1845, and for other purposes," which were the subject of disagreement between the two houses, reported as follows, to wit :

That the committee on the part of the House met the committee on behalf of the Hon. the Senate, and after a full and free discussion and interchange of opinion upon the subjects of difference between the two houses, have agreed to report the following as the basis of a compromise between the said houses, and respectfully submit the same for the consideration of the Assembly :

§ 1. The Senate concur in the first amendment of the Assembly to this section : Strike out the words "or with the approbation," in the fourth line.

The committee further recommend the following additional amendment, to wit : Insert after the word "duties" in the sixth line, the following words : "and as an escort of arms or ammunition."

The Senate concur in the first amendment in the seventh line, after the word "of;" and the Assembly recede from its second amendment in the same line, after the word "dollars."

That the Assembly recede from its amendment in the ninth line, after the word "of;" and that the Senate concur in the amendment in the eleventh line.

§ 2. That the Senate concur in the amendments to the second section.

§ 4. That the Senate concur in the first amendment to the fourth section.

That the House recede from its amendment in the fourth line of the fourth section, excepting the word "incidental."

§ 5. That the Senate concur in striking out the fifth section.

§ 6. That the Senate agree to the striking out of the sixth section, and concur in the substitute adopted by the House.

§ 8. That the Senate concur in striking out the eighth section ; also in the substitute adopted by the House.

§ 9. That the Senate concur in the amendments to the ninth section.

The committee further recommend the following amendment, to wit : In the fourth line of the fourth section, after the word "for," insert "and shoeing."

The committee also recommend the following amendment to the amendment adopted by the House, to wit : Strike out the three last words in the ninth section, and substitute in lieu thereof "while in service."

The committee further recommend the following as a substitute for the new section adopted by the House, and added at the close of the bill, to wit : The term of service of each member of the corps serving at Hudson, and herein provided for, shall be deemed to have expired on the return of such corps to the place from whence it was ordered.

The question recurred on agreeing with the committee of conference in their said report.

Mr. Hine called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Whereupon,

Mr. Speaker put the question whether the House would agree with the committee of conference in their said report, and it was determined in the affirmative.

The engrossed bill entitled "An act to provide for building a bridge over the Seneca river between the towns of Salina and Lysander in the county of Onondaga," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to confirm the title to certain lands in Catharine Adams of the city of Utica in the county of Oneida," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 102 }  
{ NAYS 00 }

Those who voted in the affirmative are

|               |              |               |
|---------------|--------------|---------------|
| Mr. Bagg      | Mr. Giffard  | Mr. Porter    |
| Mr. Bailey    | Mr. G. Goold | Mr. Preston   |
| Mr. Barber    | Mr. Gregory  | Mr. Raymond   |
| Mr. Betts     | Mr. Hall     | Mr. Rice      |
| Mr. Bevens    | Mr. Hannum   | Mr. Rogers    |
| Mr. Billings  | Mr. Harris   | Mr. Ross      |
| Mr. Blake     | Mr. Hazelton | Mr. Russell   |
| Mr. Bloss     | Mr. Hervey   | Mr. Sager     |
| Mr. Boughton  | Mr. Hine     | Mr. Salisbury |
| Mr. J. Brooks | Mr. Horton   | Mr. Searing   |



|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. M. Brooks    | Mr. Howard       | Mr. Sears           |
| Mr. L. H. Brown  | Mr. Hunt         | Mr. Sherman         |
| Mr. S. A. Brown  | Mr. Huntington   | Mr. Skelton         |
| Mr. A. H. Buell  | Mr. Jarvis       | Mr. A. C. Smith     |
| Mr. Bunker       | Mr. Johnson      | Mr. W. Smith        |
| Mr. Burdick      | Mr. Jones        | Mr. Speaker         |
| Mr. Bush         | Mr. Kinne        | Mr. Spring          |
| Mr. Cameron      | Mr. D. Lee       | Mr. R. L. Stevenson |
| Mr. Carpenter    | Mr. T. R. Lee    | Mr. Strobbridge     |
| Mr. Chase        | Mr. Litchfield   | Mr. Sweeney         |
| Mr. Coe          | Mr. Long         | Mr. Tefft           |
| Mr. Collins      | Mr. M'Carthy     | Mr. Thayer          |
| Mr. Comstock     | Mr. M'Donald     | Mr. Thompson        |
| Mr. Constant     | Mr. M'Key        | Mr. Tibbits         |
| Mr. Crain        | Mr. M'Vean       | Mr. Tnhill          |
| Mr. C. F. Crosby | Mr. Mann         | Mr. Van Schoonhoven |
| Mr. E. Crosby    | Mr. Mather       | Mr. Van Valkenburgh |
| Mr. Culver       | Mr. C. B. Miller | Mr. Walrath         |
| Mr. Danforth     | Mr. Morris       | Mr. Wells           |
| Mr. Dewey        | Mr. Moulton      | Mr. Wheeler         |
| Mr. Edwards      | Mr. Newkirk      | Mr. White           |
| Mr. Field        | Mr. Oakley       | Mr. Whitney         |
| Mr. Frisbee      | Mr. Pardee       | Mr. Worden          |
| Mr. Garretson    | Mr. Pierce       | Mr. Wynant          |

102

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to authorise the Baptist Church and Society of Plainville to change their name," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 100 }  
{ NAYS 00 }

Those who voted in the affirmative are

|               |              |               |
|---------------|--------------|---------------|
| Mr. Bagg      | Mr. G. Goold | Mr. Porter    |
| Mr. Bailey    | Mr. Gregory  | Mr. Preston   |
| Mr. Barber    | Mr. Hall     | Mr. Raymond   |
| Mr. Betts     | Mr. Hannum   | Mr. Rice      |
| Mr. Bevens    | Mr. Harden   | Mr. Rogers    |
| Mr. Billings  | Mr. Harris   | Mr. Ross      |
| Mr. Blake     | Mr. Hazelton | Mr. Russell   |
| Mr. Boughton  | Mr. Hervey   | Mr. Sager     |
| Mr. J. Brooks | Mr. Hine     | Mr. Salisbury |
| Mr. M. Brooks | Mr. Horton   | Mr. Searing   |



|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Brower       | Mr. Howard       | Mr. Sears           |
| Mr. L. H. Brown  | Mr. Hunt         | Mr. Sherman         |
| Mr. S. A. Brown  | Mr. Huntington   | Mr. Skelton         |
| Mr. A. H. Buell  | Mr. Jarvis       | Mr. A. C. Smith     |
| Mr. Bunker       | Mr. Johnson      | Mr. W. Smith        |
| Mr. Burdick      | Mr. Jones        | Mr. Speaker         |
| Mr. Bush         | Mr. Kinne        | Mr. Spring          |
| Mr. Cameron      | Mr. T. R. Lee    | Mr. R. L. Stevenson |
| Mr. Carpenter    | Mr. Litchfield   | Mr. Strobbridge     |
| Mr. Chase        | Mr. Long         | Mr. Sweeney         |
| Mr. Coc          | Mr. M'Carthy     | Mr. Thayer          |
| Mr. Collins      | Mr. M'Donald     | Mr. Thompson        |
| Mr. Comstock     | Mr. M'Key        | Mr. Tibbits         |
| Mr. Constant     | Mr. M'Vean       | Mr. Tuthill         |
| Mr. Crain        | Mr. Mann         | Mr. Van Schoonhoven |
| Mr. C. F. Crosby | Mr. Mather       | Mr. Van Valkenburgh |
| Mr. E. Crosby    | Mr. C. B. Miller | Mr. Walrath         |
| Mr. Culver       | Mr. Morris       | Mr. Wells           |
| Mr. Dewey        | Mr. Moulton      | Mr. Wheeler         |
| Mr. Edwards      | Mr. Newkirk      | Mr. White           |
| Mr. Field        | Mr. Oakley       | Mr. Whitney         |
| Mr. Frisbee      | Mr. Pardee       | Mr. Worden          |
| Mr. Garretson    | Mr. Pierce       | Mr. Wynant          |
| Mr. Giffard      |                  |                     |

100

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to incorporate the American Home Missionary Society," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 98 }  
{ NAYS 02 }

Those who voted in the affirmative are

|               |                |                 |
|---------------|----------------|-----------------|
| Mr. Bagg      | Mr. Gregory    | Mr. Rice        |
| Mr. Bailey    | Mr. Hall       | Mr. Rogers      |
| Mr. Barber    | Mr. Hannum     | Mr. Ross        |
| Mr. Betts     | Mr. Harris     | Mr. Russell     |
| Mr. Bevens    | Mr. Hervey     | Mr. Sager       |
| Mr. Billings  | Mr. Hine       | Mr. Salisbury   |
| Mr. Blake     | Mr. Horton     | Mr. Searing     |
| Mr. Boughton  | Mr. Howard     | Mr. Sears       |
| Mr. J. Brooks | Mr. Hunt       | Mr. Sherman     |
| Mr. M. Brooks | Mr. Huntington | Mr. Skelton     |
| Mr. Brower    | Mr. Jarvis     | Mr. A. C. Smith |

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. L. H. Brown  | Mr. Johnson      | Mr. W. Smith        |
| Mr. S. A. Brown  | Mr. Jones        | Mr. Speaker         |
| Mr. A. H. Buell  | Mr. Kinne        | Mr. Spring          |
| Mr. Bunker       | Mr. T. R. Lee    | Mr. J. Stevenson    |
| Mr. Burdick      | Mr. Litchfield   | Mr. R. L. Stevenson |
| Mr. Bush         | Mr. Long         | Mr. Strobridge      |
| Mr. Cameron      | Mr. M'Carthy     | Mr. Sweeney         |
| Mr. Chase        | Mr. M'Donald     | Mr. Tefft           |
| Mr. Coe          | Mr. M'Key        | Mr. Thayer          |
| Mr. Collins      | Mr. M'Vean       | Mr. Thompson        |
| Mr. Comstock     | Mr. Mann         | Mr. Tibbits         |
| Mr. Constant     | Mr. Mather       | Mr. Tuthill         |
| Mr. C. F. Crosby | Mr. C. B. Miller | Mr. Van Schoonhoven |
| Mr. E. Crosby    | Mr. Morris       | Mr. Van Valkenburgh |
| Mr. Culver       | Mr. Moulton      | Mr. Walrath         |
| Mr. Danforth     | Mr. Newkirk      | Mr. Wells           |
| Mr. Dewey        | Mr. Oakley       | Mr. Wheeler         |
| Mr. Edwards      | Mr. Pardee       | Mr. White           |
| Mr. Field        | Mr. Pierce       | Mr. Worden          |
| Mr. Frisbee      | Mr. Porter       | Mr. Winant          |
| Mr. Giffard      | Mr. Preston      | Mr. A. W. Young     |
| Mr. G. Gould     | Mr. Raymond      |                     |

98

Those who voted in the negative are

|               |           |   |
|---------------|-----------|---|
| Mr. Carpenter | Mr. Crain | 2 |
|---------------|-----------|---|

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to confirm the title to certain lands in the widow and heirs at law of John Rowland, late of the town of Brighton in the county of Monroe, deceased," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

} AYES 100 }  
 } NAYS 00 }

Those who voted in the affirmative are

|              |              |             |
|--------------|--------------|-------------|
| Mr. Bagg     | Mr. G. Goold | Mr. Porter  |
| Mr. Bailey   | Mr. Gregory  | Mr. Preston |
| Mr. Barber   | Mr. Hall     | Mr. Raymond |
| Mr. Betts    | Mr. Hannum   | Mr. Rice    |
| Mr. Bevens   | Mr. Harris   | Mr. Rogers  |
| Mr. Billings | Mr. Hazelton | Mr. Ross    |
| Mr. Blake    | Mr. Hervey   | Mr. Russell |

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bloss        | Mr. Hine         | Mr. Sager           |
| Mr. Boughton     | Mr. Horton       | Mr. Salisbury       |
| Mr. J. Brooks    | Mr. Howard       | Mr. Searing         |
| Mr. M. Brooks    | Mr. Hunt         | Mr. Sherman         |
| Mr. L. H. Brown  | Mr. Huntington   | Mr. Skelton         |
| Mr. S. A. Brown  | Mr. Jarvis       | Mr. A. C. Smith     |
| Mr. A. H. Buell  | Mr. Johnson      | Mr. W. Smith        |
| Mr. Bunker       | Mr. Jones        | Mr. Speaker         |
| Mr. Burdick      | Mr. Kinne        | Mr. Spring          |
| Mr. Bush         | Mr. D. Lee       | Mr. J. Stevenson    |
| Mr. Cameron      | Mr. T. R. Lee    | Mr. R. L. Stevenson |
| Mr. Carpenter    | Mr. Litchfield   | Mr. Strobbridge     |
| Mr. Chase        | Mr. Long         | Mr. Sweeney         |
| Mr. Coe          | Mr. M'Carthy     | Mr. Thayer          |
| Mr. Collins      | Mr. M'Donald     | Mr. Thompson        |
| Mr. Comstock     | Mr. M'Key        | Mr. Tuthill         |
| Mr. Constant     | Mr. M'Vean       | Mr. Van Schoonhoven |
| Mr. Crain        | Mr. Mann         | Mr. Van Valkenburgh |
| Mr. C. F. Crosby | Mr. Mather       | Mr. Walrath         |
| Mr. E. Crosby    | Mr. C. B. Miller | Mr. Wells           |
| Mr. Culver       | Mr. Morris       | Mr. Wheeler         |
| Mr. Danforth     | Mr. Moulton      | Mr. White           |
| Mr. Dewey        | Mr. Newkirk      | Mr. Whitney         |
| Mr. Edwards      | Mr. Oakley       | Mr. Worden          |
| Mr. Field        | Mr. Pardee       | Mr. Wynant          |
| Mr. Frisbee      | Mr. Pierce       | Mr. A. W. Young     |
| Mr. Giffard      |                  |                     |

100

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The hour of twelve o'clock at noon having arrived, the Chair announced the special order of the House, being the consideration of the amendments to the Constitution.

Mr. Huntington moved to lay the said special order on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Huntington, and it was determined in the affirmative.

On motion of Mr. Huntington,

The House then again resolved itself into a committee of the whole, on the bill entitled "An act to amend an act in relation to State prisons, passed May 1, 1844;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Betts, from the said committee, reported progress, and asked for and obtained leave to sit again.

By unanimous consent, and on motion of Mr. Garretson,

The House proceeded to the consideration of the bill entitled "An act relating to excise, and to licensing retailers of intoxicating liquors."

Mr. Crain moved to lay the said bill on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Crain, and it was determined in the negative.

Debates were had on the said bill; when

Mr. Bevins called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Thereupon,

Mr. Speaker put the question whether the House would agree with the select committee in their report on the said bill, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

On motion of Mr. Hannum,

The House then adjourned to ten o'clock to-morrow morning.

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## THURSDAY, MARCH 13, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Phillips.

The minutes of yesterday were read and approved.

The remonstrance of sundry Oneida Indians, against the distribution of the missionary fund belonging to the said tribe of Indians, was read, and referred to the committee on indian affairs.

The petition of the corps called the Governor's Guard of the city of Schenectady, praying for remuneration, was read, and referred to the committee on the militia and public defence.

The remonstrance of sundry inhabitants of the city of New-York, against reducing the salaries of the Secretary of State and Comptroller, was read, and referred to the committee on the expenses of the executive department.

Four several petitions of sundry inhabitants of the counties of Chautauque, Franklin and Chenango, praying for the passage of a law to abolish the office of county superintendent of common schools, were read, and referred to the committee on colleges, academies and common schools.

The petition of sundry inhabitants of the county of Ulster, praying for the passage of a law abolishing the Normal School, and also the office of county superintendent of common schools, was read, and referred to the committee on colleges, academies and common schools.

The petition of J. W. Gilbert of the city of Rochester, praying for a reform in the schools of said city, was read, and referred to the committee on colleges, academies and common schools.

Two several petitions of sundry inhabitants of the counties of Dutchess and Orange, praying for the passage of a law compelling the banks to redeem their notes at par in the cities of Albany and New-York, were read, and referred to the committee on banks and insurance companies.

Three several remonstrances of sundry inhabitants of the counties of Cayuga, Tioga and Erie, against compelling the banks to redeem their



notes at par in the cities of Albany and New-York, were read, and referred to the committee on banks and insurance companies.

The petition of sundry inhabitants of the county of Albany, praying for the passage of a law making bank stock taxable in the towns in which the stockholders respectively reside, was read, and referred to the committee on banks and insurance companies.

The petition of sundry inhabitants of the village of Blackrock in the county of Erie, praying for the passage of a law to protect the ferry in said village from encroachments by persons on the Canada side of the Niagara river, was read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the county of Ulster, praying for the incorporation of a company to construct a turnpike road from Rochester to Warwarsing in said county, was read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the county of Saratoga, praying for the passage of a law authorising the town of Edinburgh to raise money to build a bridge across the Sacondaga river, was read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the county of Oneida, praying for the passage of an act to improve the Utica turnpike road from the town of Deerfield to the Black River House in the town of Remsen, was read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the county of Wayne, praying that the distinction between town and county poor in said county may be restored, was read, and referred to the committee on the internal affairs of towns and counties.

The petition of sundry inhabitants of the county of Tioga, praying that the office of superintendent of the poor may be abolished, was read, and referred to the committee on the internal affairs of town and counties.

Four several petitions of sundry inhabitants of the county of Montgomery, praying that a part of the town of Canajoharie may be annexed to the town of Root in said county, was read, and referred to the committee on the erection and division of towns and counties.

The remonstrance and certificate of a vote taken in the town of Manheim in the county of Herkimer, against annexing any portion of said town to the town of Littlefalls in said county, were read, and referred to the committee on the erection and division of towns and counties.

The remonstrance of sundry inhabitants of the county of Chautauque, against any division of the said county, was read, and referred to the committee on the erection and division of towns and counties.

The petition of sundry inhabitants of the county of Cayuga, praying for the repeal of the law authorising railroad companies to carry freight, was read, and referred to the committee on canals.

Five several petitions of sundry inhabitants of the counties of Jefferson, Lewis, Rensselaer and Oneida, praying for the completion of the Black River Canal, were read, and referred to the committee on canals.

Four several petitions of sundry inhabitants of the counties of Genesee, New-York and Chautauque, praying for the adoption of a discriminating

system of canal tolls, were read, and referred to the committee on canals.

Three several remonstrances of sundry inhabitants of the counties of Oswego, New-York and Wayne, against the adoption of a discriminating system of canal tolls, were read, and referred to the committee on canals.

The petition of Jonathan Fowler, a revolutionary soldier, praying for relief, was read, and referred to the Secretary of State.

The petition of sundry inhabitants of the county of Cattaraugus, praying for the passage of the bill introduced in the Assembly, relating to license, was read, and ordered to be laid on the table.

The petition of sundry inhabitants of the county of Essex, praying for a reduction of lawyers' fees, was read, and referred to the select committee on that subject.

Two several petitions of sundry inhabitants of the county of Delaware, praying for an alteration of the law of landlord and tenant, were read, and referred to the select committee on that subject.

Twelve several petitions of sundry inhabitants of the counties of Tioga and New-York, praying that the New-York and Erie Railroad Company may be allowed to locate certain portions of their road in the State of Pennsylvania, were read, and referred to the committee of the whole when on the bill upon that subject.

Seven several petitions of sundry inhabitants of the counties of Sullivan and Ulster, praying that the New-York and Erie Railroad Company may be required to locate and construct their road through the southern tier of counties as far as Binghamton, as a condition for the release of the State lien, were read, and referred to the committee of the whole when on the bill upon that subject.

Five several remonstrances of sundry inhabitants of the counties of Orange, Schoharie and Otsego, against allowing the New-York and Erie Railroad Company to locate any portion of their road out of the State, were read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of sundry inhabitants of the county of Dutchess, against allowing the New-York and Erie Railroad Company to interfere with the rights of the Delaware and Hudson Canal Company, was read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Washington, praying for the incorporation of the American and Foreign Bible Society, was read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of sundry inhabitants of the county of Herkimer, against the incorporation of the American and Foreign Bible Society, was read, and referred to the committee of the whole when on the bill upon that subject.

Two several remonstrances of sundry inhabitants of the county of Chenango, against the erection of the new county of Unadilla, was read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the city of Albany, praying for the passage of a law to close the canal locks on the Sabbath, was read, and ordered to be laid on the table.

The petition of sundry inhabitants of the county of Franklin, praying for an appropriation of the sum of one hundred thousand dollars, for the erection of the Northern State Prison, was read, and referred to the committee of the whole when on the bill upon that subject.

By unanimous consent,

Mr. Crain, from the committee on ways and means, to which was referred the engrossed bill from the Senate, entitled "An act to enable the supervisors of the city and county of New-York to raise money by tax," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

On motion of Mr. Crain,

*Ordered*, That the said bill do have its third reading.

By unanimous consent, and

In pursuance of previous notice, Mr. Crain asked for and obtained leave to bring in a bill, entitled "An act recommending a Convention of the People of this State in 1846;" which was read the first time, and by unanimous consent was also read a second time, and, on motion of Mr. Crain, referred to a select committee, consisting of one member of the Assembly from each Senate district.

By unanimous consent,

Mr. Coe offered for the consideration of the House a resolution; in the words following, to wit :

*Resolved*, That the Clerk make a copy of the general orders, and that the same be printed for the use of this House.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

By unanimous consent, and on motion of Mr. Wheeler,

The engrossed bill from the Senate, entitled "An act to enable the supervisors of the city and county of New-York to raise money by tax," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

By unanimous consent,

In pursuance of previous notice, Mr. Rice asked for and obtained leave to bring in a bill, entitled "An act to amend an act entitled 'An act to vest certain powers in the freeholders and inhabitants of the village of Fort-Ann,' passed March 7th, 1820;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the incorporation of cities and villages.

A message from the Senate, with the bill and amendments therein mentioned, was received and read, informing that the Senate had agreed with the committee of conference in their report on the bill entitled "An act to pay the militia called into service in December 1844 and January 1845, and for other purposes," and had amended the said bill and passed the same accordingly.

The said amendments having been read,

Mr. Speaker put the question whether the House would agree to the final passage of the said bill and amendments, and it was determined in the affirmative.



*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have agreed with the committee of conference in their report on the said bill, and have amended and passed the same accordingly.

A communication from N. Dean was received and read, in the words following, to wit :

*New-York, March, 1845.*

SIR,

The managers of the New-York Institution for the Blind, propose, for the purpose of placing before the Honorable the Senate and Assembly, the attainments of their pupils in science, music and the mechanic arts, to give an exhibition in their presence, and for that purpose most respectfully solicit the use of the Assembly chamber on Tuesday evening the eighteenth instant; in the confident hope that such exhibition will prove how much has already been done, and may hereafter be accomplished, in cultivating and expanding the mental powers of the Blind; in communicating to them such mechanical instruction as may enable them to supply their own wants; and thus most essentially to alleviate the appalling deprivation, under which, in the order of Providence, these children of misfortune suffer.

I have the honor to be, Sir,

Most respectfully your obedient servant,

N. DEAN, *on behalf of*  
*a special committee.*

Hon. HORATIO SEYMOUR, *Speaker, &c.*

On motion of Mr. Comstock,

*Ordered*, That such leave be granted.

The Chair announced the appointment of a select committee on the engrossed bill from the Senate, entitled "An act to enable resident aliens to hold and convey real estate," to consist of Mr. Worden, Mr. M'Carthy, Mr. Comstock, Mr. Wheeler and Mr. C. F. Crosby; and also of a select committee on the petition of sundry inhabitants of the county of Allegany, for the passage of a law exempting persons over sixty years of age from a poll tax for highway purposes, to consist of Mr. Collins, Mr. E. Crosby, Mr. Niven, Mr. Burdick and Mr. Harden.

The House then again resolved itself into a committee of the whole, on the bill entitled "An act to revive, amend and continue in force the act entitled 'An act to incorporate the New-Hartford Manufacturing Society in the county of Oneida,' and change the name thereof;" on the bill entitled "An act for the relief of Abel Chandler," and on the bill entitled "An act to erect the town of Chester in the county of Orange;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Van Valkenburgh, from the said committee, reported, that the committee had gone through the bill entitled "An act to revive, amend and continue in force the act entitled 'An act to incorporate the New Hartford Manufacturing Society in the county of Oneida,' and to change the name thereof," made sundry amendments thereto, and agreed to the same; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. Van Valkenburgh, from the same committee, reported, that the



committee had gone through the bill entitled "An act for the relief of Abel Chandler," and agreed to the same without amendment; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. Van Valkenburgh, from the same committee, reported progress on the bill entitled "An act to erect the town of Chester in the county of Orange," and asked for and obtained leave to sit again.

The report of the Comptroller, in answer to a resolution of the Assembly, calling for an account of the issue and redemption of canal stocks, was received and read.

[See Document No. 175.]

*Ordered*, That the said report be referred to the committee on canals.

On motion of Mr. Bevins,

The House then adjourned to ten o'clock to-morrow morning.

## FRIDAY, MARCH 14, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Potter.

The minutes of yesterday were read and approved.

The petition of Harvey Strong and others of the town of Laurens in the county of Otsego, praying that an act may be passed, confirming the proceedings of a town meeting held in said town, was read, and referred to a select committee, consisting of the members attending this house from the county of Otsego.

The petition of the Auburn and Rochester Railroad Company, praying for an amendment of their charter, was read, and referred to the committee on railroads.

Two several remonstrances of sundry inhabitants of the counties of Lewis and Niagara, against the passage of a law obliging the banks to redeem their notes at par in Albany or New-York, were read, and referred to the committee on banks and insurance companies.

Two several remonstrances of sundry inhabitants of the county of Allegany, against the grant of a ferry across the Allegany river near the Friends' Settlement, were read, and referred to the committee on the internal affairs of towns and counties.

The petition of sundry inhabitants of the county of Tioga, praying for the passage of a law to abolish the office of superintendent of the poor, and for other purposes, was read, and referred to the committee on the internal affairs of towns and counties.

The petition of sundry inhabitants of the village of Fultonville in the county of Montgomery, praying for the incorporation of said village, was read, and referred to the committee on the incorporation of cities and villages.

The remonstrance of sundry inhabitants of the village of Fultonville, against the incorporation of said village, was read, and referred to the committee on the incorporation of cities and villages.

The petition of sundry inhabitants of the county of Ulster, praying for the passage of a law prescribing that all the banks on Long island, and in the counties on the Hudson river, shall redeem their notes at par in the city of New-York, was read, and referred to the committee on banks and insurance companies.

The petition of sundry inhabitants of the county of Orange, praying for certain alterations and amendments of the law respecting highways, was read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the county of Chautauque, praying for the passage of a law to protect the revenue of the Erie Canal against the competition of the Welland Canal, were read, and referred to the committee on canals.

Two several remonstrances of sundry inhabitants of the counties of Oswego and Schenectady, against the adoption of a discriminating system of canal tolls, were read, and referred to the committee on canals.

Two several remonstrances of sundry inhabitants of the town of Chautauque and of the county of Chautauque, against any division of said town and county, were read, and referred to the committee on the erection and division of towns and counties.

The remonstrance of sundry inhabitants of the town of Hinsdale in the county of Cattaraugus, against any division of said town, was read, and referred to the committee on the erection and division of towns and counties.

Two several remonstrances of sundry inhabitants of the county of Wayne, against allowing railroad companies to carry freight, were read, and referred to the committee on railroads.

The petition of sundry inhabitants of the county of Onondaga, praying for the abolition of the offices of town and school collectors, was read, and referred to the committee on the internal affairs of towns and counties.

Six several petitions of sundry inhabitants of the counties of Essex, Clinton, Chautauque, Chenango and Franklin, praying that the office of county superintendent of common schools may be abolished, were read, and referred to the committee on colleges, academies and common schools.

The petition of sundry inhabitants of the county of Montgomery, praying for the incorporation of the Fonda Academy, was read, and referred to the committee on colleges, academies and common schools.

Nineteen several petitions of sundry inhabitants of the counties of Sullivan, New-York, Orange, Steuben and Tioga, praying that the New-York and Erie Railroad Company may be permitted to locate certain portions of their road in the State of Pennsylvania, were read, and referred to the committee of the whole when on the bill upon that subject.

Fifteen several remonstrances of sundry inhabitants of the counties of Ulster, Otsego, Schoharie, Orange, New-York, Tioga and Sullivan, against releasing the State lien upon the New-York and Erie railroad,

and against allowing the company to locate any portion of their road in the State of Pennsylvania, except upon certain conditions, were read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of sundry inhabitants of the county of Chenango, against the erection of the proposed new county of Unadilla or Wright, was read, and referred to the committee of the whole when on the bill upon that subject.

Four several petitions of sundry inhabitants of the counties of Dutchess and Chautauque, praying for the passage of a law submitting the question of license to the people, were read, and ordered to be laid upon the table.

The petition of sundry inhabitants of the city of New-York, praying for the passage of a law to prevent naturalized citizens from voting within one year after their naturalization, was read, and ordered to be laid upon the table.

The petition of sundry inhabitants of the city of New-York, praying that the naturalization of foreigners may be confined exclusively to the United States Court, was read, and ordered to be laid upon the table.

The petition of sundry inhabitants of the city of New-York, praying for the passage of a registry law, was read, and ordered to be laid upon the table.

The petition of sundry inhabitants of the county of Orange, praying for some modification of the proposed law to suppress licentiousness, was read, and referred to the committee of the whole when on the bill upon that subject.

Two several petitions of sundry inhabitants of the counties of Seneca, praying that costs in courts of special sessions may be made a town instead of a county charge, were read, and referred to the committee of the whole when on the bill upon that subject.

Mr. Blake, from the committee on trade and manufactures, to which was referred the petition of sundry citizens of the town of Southold in the county of Suffolk, praying for an amendment of the charter of the Greenhill Wharf Company, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Blake accordingly brought in the said bill, entitled "An act to amend an act entitled 'An act to incorporate the Greenhill Wharf Company in Suffolk county;'" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Hine, from the committee on the erection and division of towns counties, to which was referred the petition of sundry inhabitants of the county of Cattaraugus, for the erection of a new town from a part of the town of Hinsdale, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Hine accordingly brought in the said bill, entitled "An act for the division of the town of Hinsdale, and the erection of a new town, to be called Burns;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.



Mr. M'Key, from the committee on claims, to which was referred the petition of Thomas Noyes and others, for an amendment of the act for their relief, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. M'Key accordingly brought in the said bill, entitled "An act to amend the act for the relief of Thomas Noyes and others, passed April 28th, 1840;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Jones, from the committee on colleges, academies and common schools, to which was referred the petition of Jasper W. Gilbert, relative to common schools and academies in the city of Rochester, reported favorably to the prayer of the petitioner, and asked leave to bring in a bill.

Leave being granted, Mr. Jones accordingly brought in the said bill, entitled "An act to amend an act entitled 'An act to consolidate and amend the act to incorporate the city of Rochester,' passed April 11th, 1844;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Jones, from the committee on colleges, academies and common schools, to which was referred the petition of sundry inhabitants of the town of Littlefalls in the county of Herkimer, for the passage of an act to enable the said town to borrow money, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Jones accordingly brought in the said bill, entitled "An act authorising the inhabitants of Littlefalls to borrow money;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Frisbee, from the committee on roads and bridges, to which was referred the petition of five hundred inhabitants of the counties of Westchester and Putnam, for the passage of an act authorising the laying out of a road through the towns of Somers and Yorktown, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Frisbee accordingly brought in the said bill, entitled "An act authorising the laying out a road in the county of Westchester;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Frisbee, from the committee on roads and bridges, to which was referred the petition of sundry inhabitants of the county of Ontario, praying that the Seneca turnpike road may be discontinued in the said county, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Frisbee accordingly brought in the said bill, entitled "An act concerning the Seneca Turnpike Road Company;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.



Mr. Pardee, from the committee on roads and bridges, to which was referred the several petitions of sundry inhabitants of the county of Westchester, relative to the post road from Somers to Peekskill, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Pardee accordingly brought in the said bill, entitled "An act to improve the post road running from the Elephant Hotel in the town of Somers, to the village of Peekskill;" which was read the first time, and by unanimous consent was also read a second time, and, on motion of Mr. Bailey, referred to the committee of the whole when on the bill entitled "An act authorising the laying out a road in the county of Westchester."

Mr. Whitney, from the committee on medical societies and colleges, to which was referred the bill entitled "An act to incorporate the Brooklyn City Hospital," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Skelton, from the committee on grievances, to which was referred the petition of David P. Smalley, for relief, reported unfavorably to the prayer of the petitioner, and offered the following resolution, to wit :

*Resolved*, That the prayer of the petitioner ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. S. A. Brown, from the committee on the petitions of aliens, to which was referred the petition of Ferdinand Mongin, for the passage of an act to enable his wife to inherit certain real estate, reported in writing, and asked leave to bring in a bill.

[*See Document No. 169.*]

Leave being granted, Mr. S. A. Brown accordingly brought in the said bill, entitled "An act for the relief of Asenath Mongin, the widow of John Foomhalt, and for other purposes;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Tefft, from the committee on claims, to which was referred the petition of James Stewart, for relief, reported in writing, and concluded by offering the following resolution, to wit :

*Resolved*, That the prayer of the petitioner ought not to be granted.

[*See Document No. 173.*]

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Barber, from the committee on trade and manufactures, to which was referred the engrossed bill from the Senate, entitled "An act in relation to the recording of patents for lands in certain cases," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Ross, from the committee on the incorporation of cities and villages, to which was referred the petition of sundry inhabitants of the village of New-London in the county of Oneida, for the incorporation of said village, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Ross accordingly brought in the said bill, entitled "An act to incorporate the village of New-London;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. S. A. Brown, from the committee on the petitions of aliens, to which was referred the petition of David Quail, an alien, for leave to hold and convey real estate, reported favorably to the prayer of the petitioner, and asked leave to bring in a bill.

Leave being granted, Mr. S. A. Brown accordingly brought in the said bill, entitled "An act authorising David Quail, an alien, to take, hold and convey certain real estate;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Bailey, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to revive, amend and continue in force the act entitled 'An act to incorporate the New Hartford Manufacturing Society in the county of Oneida,' and change the name thereof," and found the same correctly engrossed.

*Ordered*, That the said bill do have its third reading.

Mr. A. W. Young, from the committee on colleges, academies and common schools, to which was referred the petition of the trustees of Waterloo Academy, for a loan of money, reported unfavorably to the prayer of the petitioners, and offered the following resolution, to wit :

*Resolved*, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. McCarthy, from the committee on the petitions of aliens, to which was referred the engrossed bill from the Senate, entitled "An act for the relief of Rebecca Kreyle, an alien," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Bagg, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act relating to excise, and to licensing retailers of intoxicating liquors;" and the bill entitled "An act for the relief of Abel Chandler," and found the same severally correctly engrossed.

*Ordered*, That the said bills do have their third reading.

Mr. Pardee, from the committee on roads and bridges, to which was referred the petition of sundry inhabitants of the town of Ellisburgh in the county of Jefferson, relative to a special town meeting, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Pardee accordingly brought in the said bill, entitled "An act to provide for holding a special town meeting in the town of Ellisburgh, county of Jefferson;" which was read the first time, and by unanimous consent was also read a second time, and, on motion of Mr. Salisbury, ordered to be engrossed for a third reading.

Mr. Bloss, from the committee on charitable and religious societies, to which was referred the petition of sundry inhabitants of the city of Rochester, praying for the location of an insane hospital in said city, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Bloss accordingly brought in the said bill, entitled "An act to authorise the establishment of a lunatic asylum, to be located in the Western district;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Moulton, from the committee on roads and bridges, to which was referred the petition of sundry inhabitants of the county of Orange, relative to a ferry across the Delaware river, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Moulton accordingly brought in the said bill, entitled "An act authorising Simeon Westfall to establish and continue a ferry across the Delaware river;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. A. H. Buell, from the committee on banks and insurance companies, to which was referred the petition of sundry inhabitants of the village of Sherburne in the county of Chenango, praying for the incorporation of a mutual insurance company at that place, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. A. H. Buell accordingly brought in the said bill, entitled "An act to incorporate the Farmers' Mutual Insurance Company of Sherburne, Chenango county;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. A. H. Buell, from the committee on banks and insurance companies, to which was referred the petition of the New-York Fire Insurance Company of the city of New-York, for an amendment of their charter, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. A. H. Buell accordingly brought in the said bill, entitled "An act to amend the charter of the New-York Fire Insurance Company;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. A. H. Buell, from the committee on banks and insurance companies, to which was referred the petition for the incorporation of the Empire Mutual Insurance Company in the city of New-York, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.



Leave being granted, Mr. A. H. Buell accordingly brought in the said bill, entitled "An act to incorporate the Empire Mutual Insurance Company;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. A. H. Buell, from the committee on banks and insurance companies, to which was referred the petition of the president and directors of the Catskill Bank, for a reduction of their capital, reported unfavorably to the prayer of the petitioners, and offered the following resolution:

*Resolved*, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. A. H. Buell, from the committee on banks and insurance companies, to which was referred the petition of Charles Evans and others of the village of Lockport in the county of Niagara, for an amendment of the law relative to taxing banking associations, offered the following resolution, to wit:

*Resolved*, That the committee on banks and insurance companies be discharged from the consideration of the petition of Charles Evans and others, and that the same be referred to the committee on ways and means.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. J. Brooks, from the minority of the committee on the erection and division of towns and counties, to which was referred the petitions and remonstrances relative to the erection of a new county, with the seat of justice either at Bainbridge or Unadilla, asked leave to submit a report.

Mr. Speaker put the question whether the House would grant the leave asked, and it was determined in the affirmative.

Mr. J. Brooks accordingly reported in writing, and asked for and obtained leave to bring in a bill, entitled "An act to erect the county of Wright;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

[See Document No. 174.]

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the bill entitled "An act to authorise the levying of an additional tax in the town of Bethany in the county of Genesee," reported, that the committee had examined the said bill, and recommend that the same be rejected.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the engrossed bill from the Senate, entitled "An act authorising Thornby Everett Scholar to change his name to Thornby Scholar Everett," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.



Mr. T. R. Lee, from the committee on the judiciary, to which was referred the engrossed bill from the Senate, entitled "An act in relation to suits on bills of exchange and promissory notes," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Worden moved that the said bill be ordered to a third reading.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Worden, and it was determined in the affirmative.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the engrossed bill from the Senate, entitled "An act to authorise the payment of certain money awarded to Timothy Eddy," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the engrossed bill from the Senate, entitled "An act to amend the forty-seventh section of the Revised Statutes, relating to courts held by justices of the peace," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

On motion of Mr. T. R. Lee,

*Ordered*, That the said bill do have its third reading.

Mr. Bevins, from the committee on canals, to which was referred the report of the Comptroller, relative to the issue of canal stocks, offered the following resolution, to wit :

*Resolved*, That ten times the usual number of copies of said report be printed for the use of the Legislature.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to provide for holding a special town meeting in the town of Ellisburgh, county of Jefferson," and found the same correctly engrossed.

*Ordered*, That the said bill do have its third reading.

Mr. Harden, from the committee on colleges, academies and common schools, to which was referred the petition of the trustees of the Rensselaer Oswego Academy, for an amendment of their charter, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Harden accordingly brought in the said bill, entitled "An act to amend an act to incorporate the Rensselaer Oswego Academy, passed April 13th, 1826 ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Bush, from the select committee to which was referred the petitions praying for a reduction of the rate of interest, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Bush accordingly brought in the said bill, entitled "An act reducing the rate of interest of money ;" which was

read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Mather, from the select committee to which was referred the petitions relative to usury, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Mather accordingly brought in the said bill, entitled "An act in relation to usury;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

A communication from the Secretary of State was received and read, in the words following, to wit :

SECRETARY OF STATE'S OFFICE, }  
March 14, 1845.

To the Hon. H. SEYMOUR,

*Speaker of the Assembly.*

SIR,

I have the honor herewith to transmit to the Legislature, abstracts of the reports of the superintendents of the poor for the year 1844, with "the results of the information obtained in pursuance of the act of April 11th, 1842, chapter 214," so far as the several reports made to this office will authorise.

I am, very respectfully,

Your obedient servant,

N. S. BENTON, *Secretary of State.*

[See Document No. 197.]

*Ordered,* That the said report be laid on the table.

A message from the Senate, with the bills therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act in relation to judgments upon recognizances filed with the county clerk of the city and county of New-York;" the bill entitled "An act to amend the Revised Statutes, relating to the distribution of the assets of a person dying intestate;" and the bill entitled "An act in relation to liens created by the several acts for the better security of mechanics and others erecting buildings and furnishing materials therefor," and request the concurrence of the Assembly in the same.

The said bills were severally read the first time, and by unanimous consent were also read a second time, and the bill entitled "An act in relation to judgments upon recognizances filed with the county clerk of the city and county of New-York," was referred to the committee on the judiciary; the bill entitled "An act to amend the Revised Statutes, relating to the distribution of the assets of a person dying intestate," was referred to the committee on the judiciary; and the bill entitled "An act in relation to liens created by the several acts for the better security of mechanics and others erecting buildings and furnishing materials therefor," was referred to the committee on trade and manufactures.

The engrossed bill entitled "An act to provide for the holding a

special town meeting in the town of Ellisburgh, county of Jefferson," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill entitled "An act for the relief of Abel Chandler," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bills to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to revive, amend and continue in force the act entitled 'An act to incorporate the New-Hartford Manufacturing Society in the county of Oneida,' and to change the name thereof," was read the third time.

Mr. D. Lee moved to recommit the said bill to the committee on trade and manufactures.

Debates were had thereon ; when

Mr. Brower called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Whereupon,

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the negative ; less than two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 80 }  
{ NAYS 26 }

Those who voted in the affirmative are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Bachman     | Mr. Gregory    | Mr. Pierce          |
| Mr. Bagg        | Mr. Hall       | Mr. Porter          |
| Mr. Bailey      | Mr. Hannum     | Mr. Preston         |
| Mr. Bevens      | Mr. Harden     | Mr. Rice            |
| Mr. Billings    | Mr. Harris     | Mr. Rogers          |
| Mr. Bloss       | Mr. Hazelton   | Mr. Russell         |
| Mr. Boughton    | Mr. Heermans   | Mr. Sager           |
| Mr. J. Brooks   | Mr. Hervey     | Mr. Salisbury       |
| Mr. M. Brooks   | Mr. Hine       | Mr. Skelton         |
| Mr. Brower      | Mr. Howard     | Mr. A. C. Smith     |
| Mr. S. A. Brown | Mr. Huntington | Mr. W. Smith        |
| Mr. A. H. Buell | Mr. Jarvis     | Mr. Speaker         |
| Mr. Bunker      | Mr. Johnson    | Mr. J. Stevenson    |
| Mr. Cameron     | Mr. Kinne      | Mr. R. L. Stevenson |
| Mr. Carpenter   | Mr. Knapp      | Mr. Strobridge      |
| Mr. Chase       | Mr. T. R. Lee  | Mr. Sweeney         |
| Mr. Coe         | Mr. M'Carthy   | Mr. T'efft          |
| Mr. Collins     | Mr. M'Donald   | Mr. Thayer          |
| Mr. Comstock    | Mr. M'Key      | Mr. Tibbits         |

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Crain        | Mr. Mather       | Mr. Van Schoonhoven |
| Mr. C. F. Crosby | Mr. C. B. Miller | Mr. Van Valkenburgh |
| Mr. E. Crosby    | Mr. Morris       | Mr. Walrath         |
| Mr. Culver       | Mr. Morrison     | Mr. Wheeler         |
| Mr. Danforth     | Mr. Newkirk      | Mr. Whitney         |
| Mr. Fellows      | Mr. Niven        | Mr. Winant          |
| Mr. Fonda        | Mr. Oakley       | Mr. A. W. Young     |
| Mr. D. Gould     | Mr. Pardee       |                     |

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Those who voted in the negative are

|             |                |              |
|-------------|----------------|--------------|
| Mr. Barber  | Mr. Garretson  | Mr. Moulton  |
| Mr. Betts   | Mr. G. Gould   | Mr. Raymond  |
| Mr. Blake   | Mr. Hammond    | Mr. Ross     |
| Mr. T. Buel | Mr. Horton     | Mr. Searing  |
| Mr. Bush    | Mr. Jones      | Mr. Sherman  |
| Mr. Casner  | Mr. D. Lee     | Mr. Thompson |
| Mr. Dewey   | Mr. Litchfield | Mr. Wells    |
| Mr. Field   | Mr. M'Vean     | Mr. White    |
| Mr. Frisbee | Mr. Mann       | Mr. Worden   |

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Mr. Worden moved a reconsideration of the said vote.

Mr. Comstock moved to lay the said motion of Mr. Worden upon the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Comstock, and it was determined in the affirmative.

*Ordered*, That the said bill be laid on the table.

The hour of twelve o'clock at noon having arrived, the Chair announced the special order of the House, being the consideration of the amendments to the Constitution.

Mr. Morris moved to postpone the said special order, until the order of business of "Motions, resolutions and notices," shall have been reached and gone through with.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Morris, and it was determined in the affirmative.

On motion of Mr. Morrison,

*Ordered*, That the bill entitled "An act to amend an act entitled 'An act to incorporate the Mercantile Mutual Insurance Company,' passed April 12th, 1844," be engrossed for a third reading.

Mr. Worden moved that the bill entitled "An act for the protection and improvement of the Seneca Indians residing on the Cattaraugus and Allegany reservations in this State," be taken from the general orders, and referred to a select committee, with instructions to report the same complete.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Worden, and it was determined in the affirmative.

The engrossed bill entitled "An act relating to excise, and to licensing retailers of intoxicating liquors," was read the third time.

*Resolved*, That the bill do pass.



*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill from the Senate, entitled "An act in relation to suits on bills of exchange and promissory notes," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill from the Senate, entitled "An act to amend the forty-seventh section of the Revised Statutes, relating to courts held by justices of the peace," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk return the said bills to the Senate, and inform them that the Assembly have passed the same severally without amendment.

A message from the Senate, with the bill therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act in relation to the Capitol," and request the concurrence of the Assembly in the same.

The said bill was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the expenses of the executive department.

Mr. Niven offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That this House will hold afternoon sessions at four o'clock on Monday and Thursday of each week.

Mr. M'Carthy moved to amend the said resolution, so as to read as follows, to wit :

*Resolved*, That on and after Monday next, this House will take a recess at two o'clock, and meet again at four, Saturdays excepted.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. M'Carthy, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to the said resolution, as amended, and it was determined in the affirmative.

In pursuance of previous notice, Mr. Moulton asked for and obtained leave to bring in a bill, entitled "An act to prevent the racing and trotting of horses on any of the several roads, streets or avenues in the city and county of New-York, and for other purposes ;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the internal affairs of towns and counties.

Mr. Niven offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the committee on colleges, academies and common schools, be instructed to report on the petitions now in their hands, asking for reform in our common school system, on or before Monday next seventeenth instant.

*Ordered*, That the said resolution be laid on the table.

On motion of Mr. Van Valkenburgh,

*Resolved*, That the Hon. the Senate be respectfully requested to transmit to this House the petition of Mary A. Hatmaker, for a divorce.

Mr. T. R. Lee offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That a committee of \_\_\_\_\_ be appointed by the Chair ; and that all bills of a local or private nature, not opposed by petition, memorial or remonstrance, may, on motion, be referred to such committee to consider and report complete, except bills appropriating public monies.

*Ordered*, That the said resolution be laid on the table.

Mr. Bailey offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the president, vice-president and secretary of the Long Island Railroad Company be requested to furnish to this House, under oath, without delay, replies to the following interrogations :

1. What is the amount of capital authorised in the acts relating to the Long Island Railroad Company ?

2. What is the number of shares issued to this date of Long Island Railroad Company, and the number of shares unissued in the hands of the company, and what is their par value ?

3. How many shares of the capital stock of the Long Island Railroad Company continue in the possession of the original subscribers to the same, and what are the names of the stockholders and the number of shares owned by each at the last and previous annual election of directors ; also the number of shares, and the names and residence of the stockholders, on the fourth day of March, 1845 ?

4. What number of shares and bonds, and the amount of each that have been issued in the purchase of steamboats, and to whom issued, the amount of purchase, and under what authority are they issued, to connect a ferry with the railroad company by a steamboat association ?

5. Did or did not about two thousand shares of the stock of the Long Island Railroad Company, which was forfeited, come into the hands of the said company ; if so, how much was paid by the original subscribers, and has the balance ever been paid in ; if so, by whom ? Has not the company since sold the forfeited stock ; if so, to whom, and at what prices, and at what times ?

6. Has the stock or bonds of the company been issued to contractors at prices under their par value ; or have enhanced prices for work been obtained by contractors, for taking in part this mode of payment ?

7. At what rate do the bonds of the Long Island Railroad Company now sell in the market ; and what is the lowest rate, within your knowledge, they have sold at ?

8. What is the amount, up to this date, of the last annual report of the Long Island Railroad Company, of the cash payments made to the contractors for the tunnel in Brooklyn, distinguishing between penalties imposed on the contractors on an alleged non-performance of contract, and the cash paid to them, or bonds, as the case may be ; how much is still due to the contractors at this date ; and how much retained as penalties, and charged as cash paid ?

9. What claims have been made on the Long Island Railroad Company, and suits commenced for work done ; and what damages, if any, are claimed, alleged to have been occasioned by the locomotives, for destroying and burning over timber lands ?

10. What claims, and by whom made on the Long Island Railroad Company, for damages to houses, streets and business on the same, alleged to have been incurred by the construction of the tunnel in Brooklyn?

11. What is the total indebtedness of the Long Island Railroad Company at the present time; the names of the creditors; and the amount due to each, and when payable?

12. Did the Long Island Railroad Company make their annual reports in due form of law, and under oath, to the Secretary of State, for the years 1844 and 1845? If not, state the reason why, and furnish the report for each year, in conformity to law and agreeable to resolutions passed by the Legislature, duly attested by the oaths of the proper officers.

13. Have not the directors (or a part of them) of the Long Island Railroad Company been very largely engaged in speculating in the stock of the company; and do they not, at this time, directly or indirectly own the majority of the stock; and has not new stock been issued and hypothecated to aid these stockjobbing operations?

*Ordered*, That the said resolution be laid on the table.

Mr. Morris moved that the House do proceed to the consideration of the motion made by Mr. Chase on a previous day, to reconsider the vote on agreeing to the resolution offered by Mr. Morris; which said resolution is in the words following, to wit:

*Resolved*, That it be referred to the Attorney General to report to this House, whether or not, in his opinion, an act authorising the New-York and Erie Railroad Company to construct any portion of their road in Pennsylvania, requires a vote of two-thirds of the members elected to this house; also in relation to relinquishing the State lien upon the said road.

Debates were had upon the said motion of Mr. Morris; when Mr. Niven moved that the same be laid upon the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Niven, and it was determined in the affirmative.

A resolution of the Senate was received and read, in the words following, to wit:

*Resolved*, (if the Assembly concur,) That both branches of the Legislature will adjourn on the eighth day of April next, at twelve o'clock at noon.

Mr. Oakley moved to lay the said resolution on the table until the first day of April next.

Debates were had thereon; when

Mr. Blake moved that the House adjourn.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Blake, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the said motion of Mr. Oakley, and it was determined in the affirmative.

} AYES 80 }  
 } NAYS 19 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. Harden       | Mr. Raymond         |
| Mr. Bagg        | Mr. Harris       | Mr. Rice            |
| Mr. Bailey      | Mr. Hazelton     | Mr. Rogers          |
| Mr. Barber      | Mr. Heermans     | Mr. Ross            |
| Mr. Betts       | Mr. Hervey       | Mr. Russell         |
| Mr. Bevens      | Mr. Hine         | Mr. Sager           |
| Mr. Billings    | Mr. Horton       | Mr. Salisbury       |
| Mr. Bloss       | Mr. Howard       | Mr. A. C. Smith     |
| Mr. Boughton    | Mr. Huntington   | Mr. W. Smith        |
| Mr. J. Brooks   | Mr. Jarvis       | Mr. Speaker         |
| Mr. M. Brooks   | Mr. Johnson      | Mr. J. Stevenson    |
| Mr. S. A. Brown | Mr. Jones        | Mr. R. L. Stevenson |
| Mr. A. H. Buell | Mr. D. Lee       | Mr. Strobridge      |
| Mr. T. Buel     | Mr. Litchfield   | Mr. Sweeney         |
| Mr. Cameron     | Mr. M'Key        | Mr. Tefft           |
| Mr. Chase       | Mr. M'Vean       | Mr. Thayer          |
| Mr. Coe         | Mr. Mather       | Mr. Thompson        |
| Mr. Collins     | Mr. C. B. Miller | Mr. Tibbits         |
| Mr. Comstock    | Mr. Morris       | Mr. Van Schoonhoven |
| Mr. Culver      | Mr. Morrison     | Mr. Van Valkenburgh |
| Mr. Fellows     | Mr. Newkirk      | Mr. Wells           |
| Mr. Field       | Mr. Niven        | Mr. Wheeler         |
| Mr. Fonda       | Mr. Oakley       | Mr. White           |
| Mr. D. Gould    | Mr. Pardee       | Mr. Whitney         |
| Mr. G. Goold    | Mr. Pierce       | Mr. Worden          |
| Mr. Gregory     | Mr. Porter       | Mr. A. W. Young     |
| Mr. Hannum      | Mr. Preston      |                     |

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Those who voted in the negative are

|                  |               |              |
|------------------|---------------|--------------|
| Mr. Blake        | Mr. Gifford   | Mr. M'Carthy |
| Mr. Bush         | Mr. Hall      | Mr. M'Donald |
| Mr. Carpenter    | Mr. Hammond   | Mr. Searing  |
| Mr. Crain        | Mr. Kinne     | Mr. Sherman  |
| Mr. C. F. Crosby | Mr. Knapp     | Mr. Skelton  |
| Mr. Danforth     | Mr. T. R. Lee | Mr. Wynant   |
| Mr. Garretson    |               |              |

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A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act to provide for holding a special town meeting in the town of Ellisburgh, county of Jefferson," without amendment.

*Ordered,* That the Clerk deliver the said bill to the Governor.

On motion of Mr. Bush,

*Resolved,* That the remonstrances presented during the last and preceding session of the Legislature, against the renewal of the charter



of the Syracuse and Oswego Railroad Company, be taken from the files, and referred to the committee of the whole when on the bill upon that subject.

On motion of Mr. Gregory,

*Resolved*, That the papers on file in this House, in relation to the claim of B. S. Roberts, be taken therefrom, and referred to the committee on claims.

Mr. Howard offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the whole subject of the Hamburg canal or basin at Buffalo, together with the claim of R. B. Heacok for damages on account of injury done to his water power, be referred to the Canal Commissioners, requesting them to report,

1. What has been done on the part of the city of Buffalo and the citizens, in compliance with the law of May 14th, 1840 ?

2. Has the State received and accepted of the deed of the land from the city or individuals ?

3. Have the requirements of the law been complied with on the part of the city and citizens ?

4. Are there stagnant pools of water on the line of the basin, destructive to the health of the citizens ?

5. Are the lands of individuals flowed in consequence of the works of the State at the lower end of the basin ?

6. Is the damage of back water on the hydraulic power above, a fair and equitable subject of investigation by the Canal Appraisers ?

By unanimous consent,

Mr. Howard moved that the question be now put on the said resolution.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Howard, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

On motion of Mr. Hine,

*Resolved*, That the committee on the erection and division of towns and counties be discharged from the consideration of the bill entitled "An act to amend the law providing for the erection of towns and counties," and that the same be referred to the committee on the judiciary.

Mr. Mather offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That bills numbers 147 and 148 be referred to a select committee of one from each senatorial district, with instructions to such committee to report, at an early day, which of the provisions in each they shall deem proper to become a law ; and what (if any) amendments should be made in such provisions, as they exist in said bills, in order to make a perfect act ; and that said bills retain their present place on the general orders.

Mr. Sweeney moved to amend the said resolution, by striking out all after "148," and inserting the words "be made the special order for Thursday next at four o'clock in the afternoon."

*Ordered*, That the said motion and resolution be laid on the table.

Mr. Worden gave notice that he would, at an early day, ask leave to introduce a bill to amend the Revised Statutes, for the more effectual protection of tenants against distress for taxes payable by their landlords.

Mr. S. A. Brown offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That it shall be the duty of the Printers of this House, and they are hereby required, to print all documents and bills in the order of time they are reported ; to the end that the numbering of each, as they are put on the files of members, shall be in consecutive order.

*Ordered*, That the said resolution be laid on the table.

On motion of Mr. Fonda,

The House then adjourned to ten o'clock to-morrow morning.

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## SATURDAY, MARCH 15, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Phillips.

The minutes of yesterday were read and approved.

The petition of sundry inhabitants of the county of Tioga, praying for the passage of a law abolishing the office of superintendents of the poor, was read, and referred to the committee on the internal affairs of town and counties.

The petition of sundry inhabitants of the village of Naples in the county of Ontario, praying for an act of incorporation for the purpose of purchasing lands for a cemetery, was read, and referred to the committee on the internal affairs of towns and counties.

Two several petitions of sundry inhabitants of the county of Lewis, praying for the completion of the Black River Canal, were read, and referred to the committee on canals.

The petition of Silas Eggleston of the county of Ontario, praying for relief, was read, and referred to the committee on canals.

The petition of sundry inhabitants of the county of Fulton, praying for the adoption of a discriminating system of canal tolls, was read, and referred to the committee on canals.

Four several remonstrances of sundry inhabitants of the counties of Madison and Jefferson, against the adoption of a discriminating system of canal tolls, were read, and referred to the committee on canals.

Four several petitions of sundry inhabitants of the counties of Allegany and Chautauque, praying for the passage of a law abolishing the office of county superintendent of common schools, were read, and referred to the committee on colleges, academies and common schools.

Three several remonstrances of sundry inhabitants of the counties of Wyoming and Jefferson, against the abolition of the office of county superintendent of common schools, were read, and referred to the committee on colleges, academies and common schools.

Two several petitions of sundry inhabitants of the counties of Essex and Wayne, praying for the appointment of a railroad commissioner, were read, and referred to the committee on railroads.

The petition of the Long Island Railroad Company, praying for an amendment of their charter, was read, and referred to the committee on railroads.

The petition of the officers and members of the Workingmen's Association of the village of Williamsburgh in the county of Kings, praying for an act of incorporation, was read, and referred to the committee on charitable and religious societies.

Two several remonstrances of sundry inhabitants of the counties of Steuben and Livingston, against compelling the banks to redeem their notes at par in the cities of New-York and Albany, were read, and referred to the committee on banks and insurance companies.

The petition of two hundred citizens of the county of Madison, praying for the passage of a resolution, reproving in some way the course of the State of Rhode-Island in relation to the case of Thomas W. Dorr, who is now imprisoned in that State, was read, and ordered to be laid upon the table.

The petition of sundry inhabitants of the town of Schoharie in the county of Schoharie, praying for the erection of a new town, taken from the easterly part of said town of Schoharie, to be called the town of Wright, was read, and referred to the committee on the erection and division of towns and counties.

A communication from C. Glen Peebles, praying for the adoption by this House of his patent right plan for taking the ayes and nays, was read, and referred to the select committee on the rules and orders.

The petition of sundry inhabitants of the county of Erie, praying for the passage of a law relating to the improvement of roads across the Buffalo creek reservation in said county, was read, and referred to the committee on roads and bridges.

The remonstrance of sundry inhabitants of the town of Oneonta in the county of Otsego, against releasing the Franklin and Oneonta Turnpike Company from any duties imposed by their present charter, was read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the towns of Martinsburgh and Greig in the county of Lewis, praying for the privilege of raising money by tax to build a bridge across Black river, was read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the county of Hamilton, praying for the passage of a law to compel the town of Stratford to raise their proportion of tax for making the Newkirk's mills and Piseco road, was read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the county of Hamilton, praying for a repeal of the act appointing extra commissioners of highways in the said county, was read, and referred to the committee on roads and bridges.

Two several petitions of sundry inhabitants of the town of Westport and village of Port-Henry in the county of Essex, praying for the passage of an act to raise money by tax, for the alteration and improvement



of the roads around and along the east side of Bullwag bay, were read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the county of Herkimer, praying for the repeal of the law allowing the Utica and Schenectady Railroad Company to carry freight, was read, and referred to the committee on canals.

The petition of sundry inhabitants of the county of Oneida, praying that lots 141 and 143 in the town of Florence may be set off to the town of Camden in said county, was read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of sundry inhabitants of the town of Tully in the county of Onondaga, against the incorporation of the Hamilton and Skaneateles Turnpike Company, was read, and referred to the committee of the whole when on the bill upon that subject.

The petition of two hundred citizens of the city of New-York, praying for the abolishment of militia parades, and the adoption of enrolment instead thereof, was read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the town of Fredonia in the county of Chautauque, praying for the passage of a law in relation to the charter of the village of Fredonia, was read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of sundry inhabitants of the county of Ulster, against allowing the New-York and Erie Railroad Company to interfere with the rights of the Delaware and Hudson Canal Company, was read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Livingston, praying for the passage of a law to suppress licentiousness, was read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Chenango, praying for the incorporation of the American and Foreign Bible Society, was read, and referred to the committee of the whole when on the bill upon that subject.

Two several remonstrances of sundry inhabitants of the counties of Clinton and Rensselaer, against the incorporation of the American and Foreign Bible Society, was read, and referred to the committee of the whole when on the bill upon that subject.

The petition of the trustees of the East-Bloomfield Academy, praying for a more equal distribution of the Literature Fund, was read, and referred to the committee of the whole when on the bill upon that subject.

The resolutions adopted at a town meeting held in the town of Oxford in the county of Chenango, remonstrating against any division of said county, were read, and referred to the committee of the whole when on the bill upon that subject.

Eleven several petitions of sundry inhabitants of the counties of Erie, New-York and Tioga, praying that the New-York and Erie Railroad Company may be permitted to locate certain portions of their road in the State of Pennsylvania, were read, and referred to the committee of the whole when on the bill upon that subject.



Two several remonstrances of sundry inhabitants of the county of Otsego, against allowing the New-York and Erie Railroad Company to locate any portion of their road out of the State, were read, and referred to the committee of the whole when on the bill upon that subject.

Three several petitions of sundry inhabitants of the counties of Seneca and Essex, praying that the costs of courts of special sessions may be made a town instead of a county charge, were read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of sundry inhabitants of the county of Monroe, against increasing the number of supervisors of the city of Rochester, was read, and referred to the committee of the whole when on the bill upon that subject.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the petition of sundry inhabitants of the counties of Orange and Sullivan, relative to the draining of certain lands, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Chase accordingly brought in the said bill, entitled "An act for draining the Bashaskill swamp;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the petition of sundry inhabitants of the county of Ulster, praying for the passage of a law for the preservation of game in said county, reported unfavorably to the prayer of the petitioners, and offered the following resolution, to wit :

*Resolved*, That the committee on the internal affairs of towns and counties be discharged from the further consideration of the petition for the preservation of game in the county of Ulster.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the petition of sundry inhabitants of the town of Louisville in the county of St. Lawrence, for the passage of a law to reduce the number of town officers in said county, reported unfavorably to the prayer of the petitioners, and offered the following resolution, to wit :

*Resolved*, That the committee on the internal affairs of towns and counties be discharged from the further consideration of the petition for the reduction of the number of town officers in the county of St. Lawrence.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the petition of sundry inhabitants of the county of Steuben, for the passage of a law to reduce the number of town officers in said county, reported unfavorably to the prayer of the petitioners, and offered the following resolution, to wit :

*Resolved*, That the committee on the internal affairs of towns and counties be discharged from the further consideration of the petition for

the reduction of the number of town officers in the county of Steuben.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Frisbee, from the committee on roads and bridges, to which was referred the petition of sundry inhabitants of the town of Pamela in the county of Jefferson, relative to certain bridges across the Black river, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill

Leave being granted, Mr. Frisbee accordingly brought in the said bill, entitled "An act to equalize the expense of building and keeping in repair bridges across the Black river in the county of Jefferson;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Frisbee, from the committee on roads and bridges, to which was referred the petition of sundry inhabitants of the town of Edinburgh in the county of Saratoga, for the passage of a law to enable them to raise funds for building a bridge across the Sacondaga river, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Frisbee accordingly brought in the said bill, entitled "An act to authorise certain individuals in the town of Edinburgh, Saratoga county, to loan money;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Frisbee, from the committee on roads and bridges, to which was referred the petition of sundry inhabitants of the county of Saratoga, for a reduction of tolls on the bridge at Waterford, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Frisbee accordingly brought in the said bill, entitled "An act to reduce the toll of the Union Bridge Company in certain cases;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Frisbee, from the committee on roads and bridges, to which was referred the petition of sundry inhabitants of the village of Blackrock in the county of Erie, relative to the ferry across the Niagara river, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Frisbee accordingly brought in the said bill, entitled "An act in relation to the ferry at Blackrock;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. W. Smith, from the committee on indian affairs, to which was referred the petition of the Oneida tribe of Indians, for their share of the avails of the sale of the mission lot, reported unfavorably to the prayer of the petitioners, and offered the following resolution, to wit :

*Resolved*, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to amend an act

entitled "An act to incorporate the Mercantile Mutual Insurance Company," passed April 12, 1842," and found the same correctly engrossed.

*Ordered*, That the said bill do have its third reading.

Mr. Barber, from the committee on trade and manufactures, to which was referred the engrossed bill from the Senate, entitled "An act in relation to liens created by the several acts for the better security of mechanics and others erecting buildings and furnishing materials therefor," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Hine, from the committee on the erection and division of towns and counties, to which was referred the petition of sundry inhabitants of the town of Chenango in the county of Broome, for the erection of a new town from part of said town of Chenango, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Hine accordingly brought in the said bill, entitled "An act to divide the town of Chenango;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. E. Crosby, from the committee on banks and insurance companies, to which was referred the petition of the Williamsburgh Fire Insurance Company, for an amendment of their charter, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. E. Crosby accordingly brought in the said bill, entitled "An act to amend the charter of the Williamsburgh Fire Insurance Company;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Sears, from the committee on canals, to which was referred the petition of the common council of the city of Albany, for an amendment of the act of March 28th, 1844, relative to the city of Albany, reported unfavorably to the prayer of the petitioners, and offered the following resolution, to wit :

*Resolved*, That the committee on canals be discharged from the further consideration of the petition of the common council of the city of Albany.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Strobbridge, from the committee on claims, to which was referred the petition of Nathan S. Hollister, for relief, reported in writing, and concluded by offering the following resolution, to wit :

*Resolved*, That the committee on claims be discharged from the further consideration of the petition of Nathan S. Hollister.

[See Document No. 178.]

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Sherman, from the committee on grievances, to which was re-



ferred the petition of William P. Mansfield, praying for relief, reported unfavorably to the prayer of the petitioner, and offered the following resolution, to wit :

*Resolved*, That the committee on grievances be discharged from the further consideration of the petition of William P. Mansfield.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Hazelton, from the committee on the public lands, to which was recommitted the bill entitled "An act authorising the Surveyor General to lease a certain lot of land belonging to the State in the St. Regis reservation," together with the amendments of the Senate thereto, reported in writing, and concluded by offering the following resolution :

*Resolved*, That the Assembly do non-concur with the Senate in their amendments to the bill entitled "An act authorising the Surveyor General to lease a certain lot of land belonging to the State in the St. Regis reservation."

[See Document No. 168.]

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have non-concurred with them in their amendments to the said bill.

Mr. Danforth, from the committee on grievances, to which was referred the petition of Anthony T. Badgley and Andrew Bigham, for relief, reported in writing, and asked leave to bring in a bill.

[See Document No. 179.]

Leave being granted, Mr. Danforth accordingly brought in the said bill, entitled "An act for the relief of Anthony T. Badgley and Andrew Bigham ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Carpenter, from the select committee to which was referred the petition of sundry inhabitants of the town of Laurens in the county of Otsego, in relation to the proceedings of a town meeting held in said town, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Carpenter accordingly brought in the said bill, entitled "An act relative to the town meeting held in the town of Laurens on the tenth of March, 1845 ;" which was read the first time, and by unanimous consent was also read a second time.

Mr. Carpenter moved that the said bill be ordered to be engrossed for a third reading.

Mr. Speaker put the question whether the House would agree to the said motion, and it was determined in the affirmative.

By unanimous consent,

Mr. Bailey moved that the bill entitled "An act to amend an act entitled 'An act to incorporate the Firemen's Insurance Company of the



city of New-York,' passed April 18th, 1825," be taken from the general orders, and ordered to be engrossed for a third reading.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Bailey, and it was determined in the affirmative.

A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
Albany, March 15, 1845. }

TO THE ASSEMBLY.

I have this day approved and signed the bill entitled "An act to provide for holding a special town meeting in the town of Ellisburgh, county of Jefferson."

SILAS WRIGHT.

By unanimous consent,

Mr. D. Gould asked for and obtained leave to bring in a bill, entitled "An act in relation to the market of salt;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on trade and manufactures.

By unanimous consent,

Mr. Wheeler asked for and obtained leave to bring in a bill, entitled "An act to amend the act entitled 'An act more effectually to provide for common school education in the city and county of New-York,' passed May 7th, 1844;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on colleges, academies and common schools.

The engrossed bill entitled "An act to amend an act entitled 'An act to incorporate the Mercantile Mutual Insurance Company,' passed April 12th, 1842," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 101 }  
{ NAYS 00 }

Those who voted in the affirmative are

|               |              |               |
|---------------|--------------|---------------|
| Mr. Bachman   | Mr. G. Goold | Mr. Pierce    |
| Mr. Bagg      | Mr. Gregory  | Mr. Preston   |
| Mr. Bailey    | Mr. Hall     | Mr. Raymond   |
| Mr. Barber    | Mr. Hammond  | Mr. Rice      |
| Mr. Betts     | Mr. Hannum   | Mr. Rogers    |
| Mr. Billings  | Mr. Harden   | Mr. Ross      |
| Mr. Bloss     | Mr. Harris   | Mr. Russell   |
| Mr. Boughton  | Mr. Hazelton | Mr. Sager     |
| Mr. J. Brooks | Mr. Heermans | Mr. Salisbury |
| Mr. M. Brooks | Mr. Hervey   | Mr. Searing   |
| Mr. Brower    | Mr. Hine     | Mr. Sears     |

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. L. H. Brown  | Mr. Horton       | Mr. Skelton         |
| Mr. S. A. Brown  | Mr. Howard       | Mr. A. C. Smith     |
| Mr. A. H. Buell  | Mr. Huntington   | Mr. W. Smith        |
| Mr. T. Buel      | Mr. Jarvis       | Mr. Speaker         |
| Mr. Burdick      | Mr. Johnson      | Mr. Spring          |
| Mr. Bush         | Mr. Jones        | Mr. J. Stevenson    |
| Mr. Cameron      | Mr. Kinne        | Mr. R. L. Stevenson |
| Mr. Carpenter    | Mr. Knapp        | Mr. Strobbridge     |
| Mr. Casner       | Mr. D. Lee       | Mr. Sweeney         |
| Mr. Chase        | Mr. T. R. Lee    | Mr. Thayer          |
| Mr. Collins      | Mr. Litchfield   | Mr. Tibbits         |
| Mr. Comstock     | Mr. Long         | Mr. Van Schoonhoven |
| Mr. C. F. Crosby | Mr. M'Key        | Mr. Walrath         |
| Mr. E. Crosby    | Mr. M'Vean       | Mr. Wells           |
| Mr. Culver       | Mr. Mann         | Mr. Wheeler         |
| Mr. Danforth     | Mr. Mather       | Mr. White           |
| Mr. Dewey        | Mr. C. B. Miller | Mr. Whitney         |
| Mr. Fellows      | Mr. Morris       | Mr. Worden          |
| Mr. Field        | Mr. Moulton      | Mr. Wyckoff         |
| Mr. Fonda        | Mr. Newkirk      | Mr. Wynant          |
| Mr. Frisbee      | Mr. Niven        | Mr. A. W. Young     |
| Mr. Giffard      | Mr. Oakley       | Mr. J. Young        |
| Mr. D. Gould     | Mr. Pardee       |                     |

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*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act in relation to the town meeting held in the town of Laurens on the tenth March, 1845," and found the same correctly engrossed.

*Ordered*, That the said bill do have its third reading.

The said engrossed bill was thereupon read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The hour of twelve o'clock having arrived,

The House again resolved itself into a committee of the whole, on the amendments to the Constitution ; and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Jones, from the said committee, reported progress, and asked for and obtained leave to sit again.

By unanimous consent,

Mr. Coe offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill to remove cases decided by the Canal Board to the Supreme Court, be recommitted to the committee on canals.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

By unanimous consent,

Mr. Bloss offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That all bills on the general orders, relative to the city of Rochester, be transferred to the committee of the whole having charge of the first bill reported upon that subject.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

On motion of Mr. Russell,

The House then adjourned to ten o'clock on Monday morning next.

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## MONDAY, MARCH 17, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Schneller.

The minutes of yesterday were read and approved.

The petition of sundry inhabitants of the county of Otsego, praying for the passage of a law granting a lien on buildings for articles furnished and labor by mechanics, was read, and referred to the committee on the judiciary.

The memorial of George Griswold and others of the city of New-York, praying for the passage of a law providing for an equitable compensation to jurors in said city, was read, and referred to the committee on the judiciary.

The remonstrance of James Brown and others of the city of New-York, against the provisions of the bill introduced into the Assembly, which provides for taxing produce, merchandize, etc. in said city, was read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the county of Otsego, praying for the incorporation of a company to construct a railroad from the city of Schenectady to the village of Catskill, was read, and referred to the committee on railroads.

The petition of sundry inhabitants of the town of Virgil in the county of Cortland, praying for a division of said town, was read, and referred to the committee on the erection and division of towns and counties.

The resolutions adopted in the town of Sherman in the county of Chautauque, in relation to county superintendents of common schools, the Common School Journal, and the division of said county, were read, and so much as relates to common schools was referred to the committee on colleges, academies and common schools; and so much as relates to the division of said county, was referred to the committee on the erection and division of towns and counties.

The petition of George W. Hitchcock and others, praying for the incorporation of the Cherrycreek Union Burying Society, was read, and referred to the committee on the internal affairs of towns and counties.

Four several petitions and resolutions of sundry inhabitants of the counties of Allegany and Chenango, in favor of abolishing the office of county superintendent of common schools, were read, and referred to the committee on colleges, academies and common schools.

The remonstrance of sundry inhabitants of the town of Whitehall in the county of Washington, against the abolition of the office of county superintendent of common schools, was read, and referred to the committee on colleges, academies and common schools.

The petition of sundry inhabitants of the town of Palmyra in the county of Wayne, praying for the construction of a plank turnpike road from Buffalo to Albany, by convict labor, was read, and referred to the committee on roads and bridges.

Three several petitions of sundry inhabitants of the towns of Westport, Moriah and Crownpoint in the county of Essex, praying for the passage of an act to raise money by tax, to alter and improve the road along the shore of Bullwaggy bay, were read, and referred to the committee on roads and bridges.

The remonstrance of sundry inhabitants of the town of Hydepark in the county of Dutchess, against the incorporation of a ferry in the village of Hydepark, was read, and referred to the committee on roads and bridges.

Two several remonstrances of sundry inhabitants of the counties of Jefferson and Cayuga, against the adoption of a discriminating system of tolls on the Erie Canal, were read, and referred to the committee on canals.

The petition of sundry inhabitants of the county of Jefferson, praying for the speedy completion of the Black River Canal, was read, and referred to the committee on canals.

The petition of sundry inhabitants of the county of Allegany, praying for the resumption of the work on the Genesee Valley Canal, was read, and referred to the committee on canals.

The petition of sundry inhabitants of the county of Montgomery, praying for the repeal of the act allowing railroad companies to carry freight, was read, and referred to the committee on canals.

Three several remonstrances of sundry inhabitants of the counties of Delaware, Genesee and Cayuga, against compelling the country banks to redeem their notes at par in Albany or New-York, were read, and referred to the committee on banks and insurance companies.

The petition of Thomas Duer of the town of Wheatland in the county of Monroe, praying for the repayment of monies expended in equipping or clothing a company of volunteers raised and commanded by him in 1814, for the defence of our northern frontier, was read, and referred to the committee on the militia and public defence.

Eight several petitions of sundry inhabitants of the county of Delaware, praying for an alteration of the law of landlord and tenant, were read, and referred to the select committee on that subject.

The remonstrance of sundry inhabitants of the village of Littlefalls in the county of Herkimer, against increasing the tolls on packet boats, and against closing the canal locks on Sunday, was read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the counties of Wayne and Cayuga, praying for the passage of a penal law to suppress licentiousness, was read, and referred to the committee of the whole when on the bill upon that subject.



The remonstrance of sundry inhabitants of the county of Chenango, against any division of the said county, was read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Allegany, praying for the incorporation of the Attica and Hornellsville Railroad Company, was read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Seneca, praying for the alteration or abolition of the militia law, was read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of sundry inhabitants of the city of New-York, against the release of the loan of three million dollars to the New-York and Erie Railroad Company, unless the road of the said company be finished to Binghamton, was read, and referred to the committee of the whole when on the bill upon that subject.

Four several remonstrances of sundry inhabitants of the counties of Otsego and Sullivan, against running the New-York and Erie railroad into the State of Pennsylvania, were read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of sundry inhabitants of the county of Ulster, against allowing the New-York and Erie Railroad Company to interfere with the rights of the Delaware and Hudson Canal Company, was read, and referred to the committee of the whole when on the bill upon that subject.

Eight several petitions of sundry inhabitants of the counties of New-York and Allegany, praying for the consent of the Legislature that the New-York and Erie Railroad Company may locate their road in certain points in the State of Pennsylvania, were read, and referred to the committee of the whole when on the bill upon that subject.

The House then again resolved itself into a committee of the whole, on the bill entitled "An act to amend and renew an act for the construction of a railroad from Oswego to Syracuse, passed April 29th, 1839;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Chase, from the said committee, reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

The House then again resolved itself into a committee of the whole, on the bill entitled "An act to erect the town of Chester in the county of Orange," on the bill entitled "An act to provide for the temporary relief of the poor of the county of Livingston," and on the bill entitled "An act to confirm in Philander Smith the title to certain lands herein mentioned;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Bevens, from the said committee, reported, that the committee had gone through the bill entitled "An act to erect the town of Chester in the county of Orange," made sundry amendments thereto, and agreed to the same; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. Bevens, from the same committee, reported, that the committee had gone through the bill entitled "An act to provide for the temporary

relief of the poor of the county of Livingston," made sundry amendments thereto, altered the title so as to read "An act to provide for the temporary relief of the poor of the county of Livingston, and such other counties as may adopt the provisions of this act," and agreed to the same; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. Bevens, from the same committee, reported, that the committee had gone through the bill entitled "An act to confirm in Philander Smith the title to certain lands herein mentioned," and agreed to the same without amendment; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

*Ordered,* That Mr. M'Carthy have leave of absence for three days, Mr. Tuthill for seven days, Mr. Edwards for four days, Mr. Hunt for ten days, Mr. Kinne for seven days, and Mr. Dickson for twelve days.

By unanimous consent,

Mr. Van Valkenburgh, from the committee on railroads, to which was referred the petition of the Long Island Railroad Company, for an amendment of their charter, asked for and obtained leave to bring in a bill, entitled "An act to amend an act to incorporate the Long Island Railroad Company;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

By unanimous consent,

Mr. Van Schoonhoven presented the remonstrance of several citizens of the fifth and sixth wards of the city of Troy, against annexing any part of said wards to the town of Brunswick; which was read, and referred to the committee on the erection and division of towns and counties.

The House then resolved itself into a committee of the whole, on the bill entitled "An act for the relief of Jane Gallon, an alien, of the city of New-York;" and on the bill entitled "An act in relation to the duties of the supreme court commissioner residing at Watertown in the county of Jefferson;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Blake, from the said committee, reported, that the committee had gone through the said bills, and agreed to the same severally without amendment; which report was agreed to by the house, and the bills severally ordered to be engrossed for a third reading.

The House then resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled "An act for the relief of Smith Cutter;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Walrath, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which report was agreed to by the house, and the bill ordered to have its third reading.

Mr. Bailey moved that the House do proceed, at four o'clock this afternoon, to the consideration of the bill entitled "An act to punish seduction and adultery, and for other purposes," and of the bill entitled "An act to punish seduction and adultery as crimes."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Bailey, and it was determined in the affirmative.

Mr. Chase moved that the engrossed bill from the Senate, entitled "An act designating the time for holding the next annual town meeting in the town of Flatbush in the county of Kings," be taken from the general orders, and ordered to have its third reading.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Chase, and it was determined in the affirmative.

A message from the Senate, with the bill and amendments therein mentioned, was received and read, informing that the Senate had receded from their amendments to the bill entitled "An act authorising the Surveyor General to lease a certain lot of land belonging to the State in the St. Regis reservation," non-concurred in by the Assembly.

The said bill having been examined,

*Ordered,* That the Clerk deliver the same to the Governor.

The House then resolved itself into a committee of the whole, on the bill entitled "An act to incorporate the Troy and Greenbush Railroad Association," on the bill entitled "An act imposing tolls on the Troy and Schenectady Railroad Company," and on the bill entitled "An act to impose tolls on the Mohawk and Hudson Railroad Company;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Garretson, from the said committee, reported progress on the said bills severally, and asked for and obtained leave to sit again.

By unanimous consent,

Mr. Chase moved that the engrossed bill from the Senate, entitled "An act designating the place of holding the next annual town meeting in the town of Flatbush in the county of Kings," be now read the third time.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Chase, and it was determined in the affirmative.

Thereupon,

The said engrossed bill from the Senate was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.

*Ordered,* That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

By unanimous consent,

Mr. T. R. Lee moved that the engrossed bill from the Senate, entitled "An act for the relief of Smith Cutter," be now read the third time.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. T. R. Lee, and it was determined in the affirmative.

Thereupon,

The said engrossed bill from the Senate was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 93 }  
{ NAYS 00 }



Those who voted in the affirmative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. D. Gould     | Mr. Pierce          |
| Mr. Bagg        | Mr. G. Goold     | Mr. Porter          |
| Mr. Barber      | Mr. Gregory      | Mr. Preston         |
| Mr. Betts       | Mr. Hall         | Mr. Raymond         |
| Mr. Bevins      | Mr. Hammond      | Mr. Rice            |
| Mr. Billings    | Mr. Hannum       | Mr. Rogers          |
| Mr. Blake       | Mr. Harden       | Mr. Russell         |
| Mr. Bloss       | Mr. Harris       | Mr. Sager           |
| Mr. Boughton    | Mr. Hazelton     | Mr. Salisbury       |
| Mr. J. Brooks   | Mr. Heermans     | Mr. Searing         |
| Mr. M. Brooks   | Mr. Hervey       | Mr. Sherman         |
| Mr. S. A. Brown | Mr. Hine         | Mr. Skelton         |
| Mr. T. Buel     | Mr. Horton       | Mr. A. C. Smith     |
| Mr. Bunker      | Mr. Huntington   | Mr. W. Smith        |
| Mr. Burdick     | Mr. Jarvis       | Mr. Spring          |
| Mr. Bush        | Mr. Johnson      | Mr. J. Stevenson    |
| Mr. Cameron     | Mr. Kinne        | Mr. R. L. Stevenson |
| Mr. Carpenter   | Mr. Knapp        | Mr. Strobridge      |
| Mr. Chase       | Mr. T. R. Lee    | Mr. Sweeney         |
| Mr. Coe         | Mr. Litchfield   | Mr. Tefft           |
| Mr. Collins     | Mr. M'Donald     | Mr. Thayer          |
| Mr. Comstock    | Mr. M'Key        | Mr. Thompson        |
| Mr. Constant    | Mr. M'Vean       | Mr. Tibbits         |
| Mr. Culver      | Mr. Mather       | Mr. Van Schoonhoven |
| Mr. Danforth    | Mr. C. B. Miller | Mr. Walrath         |
| Mr. Dewey       | Mr. Morris       | Mr. Wells           |
| Mr. Fellows     | Mr. Morrison     | Mr. Wheeler         |
| Mr. Field       | Mr. Moulton      | Mr. White           |
| Mr. Fonda       | Mr. Newkirk      | Mr. Whitney         |
| Mr. Frisbee     | Mr. Niven        | Mr. Wynant          |
| Mr. Garretson   | Mr. Oakley       | Mr. A. W. Young 93  |

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The hour of two o'clock in the afternoon having arrived, the House took a recess until four o'clock.

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#### FOUR O'CLOCK P. M.

The House again met.

In pursuance of a special order,

The House then resolved itself into a committee of the whole, on the bill entitled "An act to punish seduction and adultery, and for other purposes," and on the bill entitled "An act to punish seduction and adultery as crimes;" and after some time spent thereon, Mr. Speaker



resumed the chair, and Mr. Spring, from the said committee, reported progress on the said bills severally, and asked for and obtained leave to sit again.

By unanimous consent,

Mr. Russell asked for and obtained leave to bring in a bill, entitled "An act to amend the Revised Statutes, in relation to the enumeration of the inhabitants of this State;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

On motion of Mr. Whitney,

The House then adjourned to ten o'clock to-morrow morning.

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## TUESDAY, MARCH 18, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Saxe.

The minutes of yesterday were read and approved.

The petition of sundry inhabitants of the village of Mayville in the county of Chautauque, praying for the passage of a law to give to supreme court commissioners the power of common pleas judges in said county, was read, and referred to the committee on the judiciary.

The resolutions of the board of supervisors of the county of Oswego, asking for an amendment of the act entitled "An act for the appointment of a police justice in the village of Oswego, was read, and referred to the committee on the judiciary.

The remonstrance of sundry inhabitants of the town of Busti in the county of Chautauque, against any division of the town of Chautauque, and also against any division of said county of Chautauque, was read, and referred to the committee on the erection and division of towns and counties.

Two several petitions of sundry inhabitants of the county of Onondaga, praying for the incorporation of the Skaneateles Industrial Community for Agriculture, and for other purposes, were read, and referred to the committee on agriculture.

The petition of Samuel Jeanes and others, praying for the remaining one-eighth of the proceeds of the real estate of William Dunn deceased, was read, and referred to the committee on the petitions of aliens.

The petition of sundry inhabitants of the county of Allegany, praying for a modification of the militia laws, on the general plan of the Massachusetts system, was read, and referred to the committee on the militia and public defence.

The petition of sundry inhabitants of the county of Onondaga, praying that a law may be passed, prohibiting the catching of fish by means of seines or nets in the Nine-mile creek in the said county, was read, and referred to the committee on the internal affairs of towns and counties.

The petition of sundry inhabitants of the town of Durham in the county of Greene, praying for the passage of a law compelling banks to redeem their notes at par in the cities of Albany and New-York, was read, and referred to the committee on banks and insurance companies.

The remonstrance of sundry inhabitants of the county of Broome, against the passage of a law requiring banks to redeem their notes at par at any other place than their banking house, was read, and referred to the committee on banks and insurance companies.

The petition of sundry physicians, members of the bar, and other citizens of the county of Onondaga, praying for the incorporation of a Homœopathic Medical College, was read, and referred to the committee on medical colleges and societies.

The remonstrance of sundry inhabitants of the county of Columbia, against the passage of a law to close the locks on the canals on Sunday, was read, and ordered to be laid on the table.

Three several petitions of sundry inhabitants of the counties of Jefferson and Schoharie, praying for the completion of the Black River Canal, were read, and referred to the committee on canals.

The petition of C. T. Chamberlin of the county of Allegany, praying for relief, was read, and referred to the committee on canals.

The petition of sundry inhabitants of the county of Orleans, praying for the repeal of the law allowing railroad companies to carry freight, was read, and referred to the committee on canals.

The petition of sundry inhabitants of the county of Chautauque, praying for the passage of a law to protect the revenue of the Erie Canal against the competition of the Welland Canal, was read, and referred to the committee on canals.

The remonstrance of sundry inhabitants of the county of Cayuga, against the adoption of a discriminating system of tolls on the Erie Canal, was read, and referred to the committee on canals.

Three several petitions of sundry inhabitants of the counties of Albany, Dutchess, Ontario and Onondaga, praying for the passage of a law to abolish the office of county superintendent of common schools, and the Normal School, were read, and referred to the committee on colleges, academies and common schools.

The petition of sundry inhabitants of the county of Onondaga, praying for the passage of a law to abolish the office of town and school district collector, was read, and referred to the committee on colleges, academies and common schools.

Three several petitions of sundry inhabitants of the county of Dutchess, praying for the passage of a law in relation to the incorporation of an historical society, were read, and referred to the committee on colleges, academies and common schools.

Seven several petitions of sundry inhabitants of the city of New-York and county of Allegany, praying for the consent of the Legislature that the New-York and Erie Railroad Company may locate their road in the State of Pennsylvania, were read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of sundry inhabitants of the counties of New-York, Sullivan, Otsego and Delaware, against the release of the loan of three

million dollars to the New-York and Erie Railroad Company, unless their road be finished to Binghamton, was read, and referred to the committee of the whole when on the bill upon that subject.

Three several petitions of sundry inhabitants of the county of Allegany, praying for the repeal of the law authorising capital punishment, were read, and referred to the select committee on that subject.

The petition of sundry inhabitants of the county of Wayne, praying for a reduction of lawyers' fees, was read, and referred to the select committee on that subject.

Two several petitions of sundry inhabitants of the county of Delaware, praying for an alteration of the law of landlord and tenant, were read, and referred to the select committee on that subject.

Two several petitions of sundry inhabitants of the counties of Allegany and Wyoming, praying for the passage of a penal law to suppress licentiousness, were read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Onondaga, praying for the passage of a law to submit the question of license to the people, was read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of sundry inhabitants of the county of Chenango, against any division of said county, was read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of the Mohawk and Hudson Railroad Company, against the passage of a law to charge toll on property carried on their road, was read, and referred to the committee of the whole when on the bill upon that subject.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act in relation to the duties of the supreme court commissioner residing at Watertown in the county of Jefferson;" and the bill entitled "An act for the relief of Jane Gallon, an alien, of the city and county of New-York," and found the same severally correctly engrossed.

*Ordered,* That the said bills do have their third reading.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was recommitted the bill entitled "An act amendatory of the act in relation to the election and terms of office of town assessors and commissioners of highways," reported, that the committee had gone through the said bill, made sundry amendments thereto, and, as amended, saw no reason why the same should not be passed into a law.

On motion of Mr. Chase,

*Ordered,* That the said bill be committed to a committee of the whole house, and retain its place on the general orders.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the petition of sundry citizens of the village of Rome in the county of Oneida, for the incorporation of the Rome Water-works Company, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Chase accordingly brought in the said bill,



entitled "An act to incorporate the Rome Water-works Company ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to prevent the racing and trotting of horses on any of the several roads, streets or avenues in the city of New-York, and for other purposes," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Oakley, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to erect the town of Chester in the county of Orange ;" the bill entitled "An act to amend an act entitled 'An act to incorporate the Firemen's Insurance Company of the city of New-York,' passed April 18th, 1825 ;" the bill entitled "An act to amend and renew an act to provide for the construction of a railroad from Oswego to Syracuse, passed April 29th, 1839 ;" and the bill entitled "An act to confirm in Philander Smith the title to certain lands mentioned herein," and found the same severally correctly engrossed.

*Ordered*, That the said bills do have their third reading.

Mr. Moulton, from the committee on roads and bridges, to which was referred the petition of sundry inhabitants of the village of Binghamton in the county of Broome, relative to the charter of the Chenango Bridge Company, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Moulton accordingly brought in the said bill, entitled "An act in relation to the Chenango Bridge Company ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Hervey, from the committee on charitable and religious societies, to which was referred the petition of Joseph C. Stanley and others, members of the Williamsburgh Association of mechanics and working-men, praying for an act of incorporation, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Hervey accordingly brought in the said bill, entitled "An act to incorporate the Mechanics' and Workingmen's Association of Williamsburgh ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Raymond, from the committee on the erection and division of towns and counties, to which was referred the petition of sundry inhabitants of the fifth and sixth wards of the city of Troy, praying for the annexation of a part of said city to the town of Brunswick, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Raymond accordingly brought in the said bill, entitled "An act to annex part of the city of Troy to the town of Brunswick ;" which was read the first time, and by unanimous consent



was also read a second time, and committed to a committee of the whole house.

Mr. J. Young, from the committee on the judiciary, to which was referred the engrossed bill from the Senate, entitled "An act to amend the Revised Statutes, relating to the distribution of the assets of a person dying intestate," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the engrossed bill from the Senate, entitled "An act in relation to judgments upon recognizances filed with the county clerk of the city and county of New-York," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the several petitions of sundry inhabitants of the county of Albany, praying for the passage of an act giving increased compensation to jurors and witnesses, reported unfavorably to the prayer of the petitioners, and offered the following resolution, to wit :

*Resolved*, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred several memorials of sundry citizens of the city of New-York, and so much of the message of the Governor as relates to pilots and pilotage at the port of New-York, reported in writing, and asked leave to bring in a bill.

[See Document No. 186.]

Leave being granted, Mr. T. R. Lee accordingly brought in the said bill, entitled "An act relative to pilots and pilotage by the way of Sandy-hook;" which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. T. R. Lee,

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Harden, from the committee on colleges, academies and common schools, to which was referred the engrossed bill from the Senate, entitled "An act to increase the capital of the Common School Fund," reported in writing, and concluded by recommending that the said bill, as amended by said committee, be passed into a law.

[See Document No. 177.]

On motion of Mr. Harden,

*Ordered*, That the said bill be referred to the committee of the whole, when on the bill entitled "An act in relation to the Newburgh High School."

Mr. Titus, from the committee on trade and manufactures, to which was referred the petition of sundry inhabitants of the county of Steuben, for the incorporation of the Urbana Woolen Manufacturing Company, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Titus accordingly brought in the said bill, entitled "An act to incorporate the Urbana Woolen Manufacturing Company;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Frisbee, from the committee on roads and bridges, to which was referred the petition of sundry inhabitants of the village of Norwich in the county of Chenango, praying for the incorporation of the Unadilla and Norwich Turnpike Company, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Frisbee accordingly brought in the said bill, entitled "An act to incorporate the Unadilla and Norwich Turnpike Company;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Comstock, from the committee on the judiciary, to which was referred the petition of the supervisors of the county of Oneida, praying for the passage of an act relative to the accounts of sheriffs and justices, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Comstock accordingly brought in the said bill, entitled "An act concerning fines collected by magistrates, sheriffs and jailers;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Comstock, from the committee on the judiciary, to which was referred the bill entitled "An act more effectually to punish unlawful attempts to procure abortion," reported, that the committee had examined the said bill, and substituted therefor another bill, entitled "An act to amend the Revised Statutes, relative to procuring abortions;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

The engrossed bill entitled "An act in relation to the duties of the supreme court commissioner residing at Watertown in the county of Jefferson," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill entitled "An act for the relief of Jane Gallon, an alien, of the city and county of New-York," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bills to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to amend and renew an act to provide for the construction of a railroad from Oswego to Syracuse, passed April 29th, 1839," was read the third time.

On motion of Mr. Russell,

*Ordered*, That the question on the final passage of the said bill be laid upon the table.

The engrossed bill entitled "An act to erect the town of Chester in the county of Orange," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act relative to pilots and pilotage by the way of Sandyhook," and found the same correctly engrossed.

Mr. Morrison moved that the said bill be recommitted to a committee of the whole house.

Debates were thereupon had ; when,

The hour of twelve o'clock at noon having arrived, the Chair announced the special order of the House, being the consideration of the amendments to the Constitution.

Mr. Bevens moved to lay the said special order on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Bevens, and it was determined in the affirmative.

The question then recurred on agreeing to the motion made by Mr. Morrison, to recommit the bill entitled "An act relative to pilots and pilotage by the way of Sandyhook," to a committee of the whole house.

Debates were again had thereon ; when

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Morrison, and it was determined in the negative.

Whereupon,

The said engrossed bill was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to amend an act entitled 'An act to incorporate the Firemen's Insurance Company of the city of New-York,' passed April 18th, 1825," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 88 }  
{ NAYS 08 }

Those who voted in the affirmative are

Mr. Bachman  
Mr. Bagg  
Mr. Bailey  
Mr. Barber

Mr. D. Gould  
Mr. G. Goold  
Mr. Gregory  
Mr. Hall

Mr. Rice  
Mr. Rogers  
Mr. Ross  
Mr. Russell

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bevens      | Mr. Harden       | Mr. Sager           |
| Mr. Billings    | Mr. Harris       | Mr. Salisbury       |
| Mr. Blake       | Mr. Hazelton     | Mr. Sears           |
| Mr. Bloss       | Mr. Heermans     | Mr. Sherman         |
| Mr. J. Brooks   | Mr. Hervey       | Mr. Skelton         |
| Mr. M. Brooks   | Mr. Hine         | Mr. W. Smith        |
| Mr. L. H. Brown | Mr. Horton       | Mr. Speaker         |
| Mr. S. A. Brown | Mr. Howard       | Mr. Spring          |
| Mr. A. H. Buell | Mr. Huntington   | Mr. R. L. Stevenson |
| Mr. Bunker      | Mr. Jarvis       | Mr. Strobridge      |
| Mr. Burdick     | Mr. Johnson      | Mr. Sweeney         |
| Mr. Bush        | Mr. Jones        | Mr. Tefft           |
| Mr. Chase       | Mr. Knapp        | Mr. Thayer          |
| Mr. Coe         | Mr. M'Donald     | Mr. Thompson        |
| Mr. Collins     | Mr. M'Key        | Mr. Tibbits         |
| Mr. Comstock    | Mr. Mather       | Mr. Van Schoonhoven |
| Mr. E. Crosby   | Mr. C. B. Miller | Mr. Van Valkenburgh |
| Mr. Culver      | Mr. Morris       | Mr. Walrath         |
| Mr. Danforth    | Mr. Morrison     | Mr. Wells           |
| Mr. Dewey       | Mr. Moulton      | Mr. Wheeler         |
| Mr. Fenn        | Mr. Newkirk      | Mr. White           |
| Mr. Field       | Mr. Niven        | Mr. Wyckoff         |
| Mr. Fonda       | Mr. Oakley       | Mr. Wynant          |
| Mr. Frisbee     | Mr. Porter       | Mr. A. W. Young     |
| Mr. Garretson   | Mr. Preston      | Mr. J. Young        |
| Mr. Giffard     |                  |                     |

88

Those who voted in the negative are

|               |              |             |
|---------------|--------------|-------------|
| Mr. Carpenter | Mr. Long     | Mr. Searing |
| Mr. Hannum    | Mr. M'Carthy | Mr. Titus   |
| Mr. T. R. Lee | Mr. Raymond  |             |

8

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to confirm in Philander Smith the title to certain lands mentioned therein," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 101 }  
{ NAYS 00 }

Those who voted in the affirmative are

|             |             |             |
|-------------|-------------|-------------|
| Mr. Bachman | Mr. Gregory | Mr. Rogers  |
| Mr. Bagg    | Mr. Hall    | Mr. Ross    |
| Mr. Bailey  | Mr. Hammond | Mr. Russell |



|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Barber      | Mr. Hannum       | Mr. Sager           |
| Mr. Betts       | Mr. Harden       | Mr. Salisbury       |
| Mr. Bevens      | Mr. Harris       | Mr. Searing         |
| Mr. Billings    | Mr. Hazelton     | Mr. Sears           |
| Mr. Blake       | Mr. Heermans     | Mr. Sherman         |
| Mr. Bloss       | Mr. Hervey       | Mr. Skelton         |
| Mr. J. Brooks   | Mr. Hine         | Mr. A. C. Smith     |
| Mr. L. H. Brown | Mr. Horton       | Mr. W. Smith        |
| Mr. S. A. Brown | Mr. Howard       | Mr. Speaker         |
| Mr. A. H. Buell | Mr. Huntington   | Mr. Spring          |
| Mr. T. Buel     | Mr. Jarvis       | Mr. J. Stevenson    |
| Mr. Bunker      | Mr. Johnson      | Mr. R. L. Stevenson |
| Mr. Burdick     | Mr. Jones        | Mr. Strobbridge     |
| Mr. Bush        | Mr. Knapp        | Mr. Sweeney         |
| Mr. Carpenter   | Mr. T. R. Lee    | Mr. Tefft           |
| Mr. Chase       | Mr. Litchfield   | Mr. Thayer          |
| Mr. Coe         | Mr. Long         | Mr. Thompson        |
| Mr. Comstock    | Mr. M'Carthy     | Mr. Tibbits         |
| Mr. Constant    | Mr. M'Donald     | Mr. Titus           |
| Mr. E. Crosby   | Mr. M'Key        | Mr. Van Schoonhoven |
| Mr. Culver      | Mr. Mather       | Mr. Van Valkenburgh |
| Mr. Danforth    | Mr. C. B. Miller | Mr. Walrath         |
| Mr. Dewey       | Mr. Morris       | Mr. Wells           |
| Mr. Fellows     | Mr. Morrison     | Mr. Wheeler         |
| Mr. Fenn        | Mr. Moulton      | Mr. White           |
| Mr. Field       | Mr. Newkirk      | Mr. Whitney         |
| Mr. Fonda       | Mr. Niven        | Mr. Wyckoff         |
| Mr. Frisbee     | Mr. Oakley       | Mr. Wynant          |
| Mr. Garretson   | Mr. Porter       | Mr. A. W. Young     |
| Mr. Giffard     | Mr. Raymond      | Mr. J. Young        |
| Mr. G. Goold    | Mr. Rice         |                     |

101

*Ordered,* That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The House then proceeded to the consideration of the motion made on a previous day by Mr. Worden, and laid on the table, to reconsider the vote on the final passage of the bill entitled "An act to revive, amend and continue in force the act entitled 'An act to incorporate the New-Hartford Manufacturing Society in the county of Oneida,' and to change the name thereof."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Worden, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 103 }  
{ NAYS 02 }

Those who voted in the affirmative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. D. Gould     | Mr. Rogers          |
| Mr. Bagg        | Mr. G. Gould     | Mr. Ross            |
| Mr. Bailey      | Mr. Gregory      | Mr. Russell         |
| Mr. Barber      | Mr. Hall         | Mr. Sager           |
| Mr. Betts       | Mr. Hammond      | Mr. Salisbury       |
| Mr. Bevins      | Mr. Hannum       | Mr. Searing         |
| Mr. Billings    | Mr. Harden       | Mr. Sears           |
| Mr. Blake       | Mr. Harris       | Mr. Sherman         |
| Mr. Bloss       | Mr. Hazelton     | Mr. Skelton         |
| Mr. J. Brooks   | Mr. Heermans     | Mr. A. C. Smith     |
| Mr. M. Brooks   | Mr. Hervey       | Mr. W. Smith        |
| Mr. Brower      | Mr. Hine         | Mr. Speaker         |
| Mr. L. H. Brown | Mr. Horton       | Mr. Spring          |
| Mr. S. A. Brown | Mr. Howard       | Mr. J. Stevenson    |
| Mr. A. H. Buell | Mr. Huntington   | Mr. R. L. Stevenson |
| Mr. T. Buel     | Mr. Jarvis       | Mr. Strobridge      |
| Mr. Burdick     | Mr. Johnson      | Mr. Sweeney         |
| Mr. Bush        | Mr. Jones        | Mr. Tefft           |
| Mr. Carpenter   | Mr. Knapp        | Mr. Thayer          |
| Mr. Chase       | Mr T. R. Lee     | Mr. Thompson        |
| Mr. Coe         | Mr. Long         | Mr. Tibbits         |
| Mr. Collins     | Mr. M'Carthy     | Mr. Titus           |
| Mr. Comstock    | Mr. M'Donald     | Mr. Van Schoonhoven |
| Mr. Constant    | Mr. M'Key        | Mr. Van Valkenburgh |
| Mr. E. Crosby   | Mr. Mather       | Mr. Walrath         |
| Mr. Culver      | Mr. C. B. Miller | Mr. Wells           |
| Mr. Danforth    | Mr. Morris       | Mr. Wheeler         |
| Mr. Dewey       | Mr. Morrison     | Mr. White           |
| Mr. Fellows     | Mr. Newkirk      | Mr. Whitney         |
| Mr. Fenn        | Mr. Niven        | Mr. Worden          |
| Mr. Field       | Mr. Oakley       | Mr. Wyckoff         |
| Mr. Fonda       | Mr. Porter       | Mr. Winant          |
| Mr. Frisbee     | Mr. Preston      | Mr. A. W. Young     |
| Mr. Garretson   | Mr. Rice         | Mr. J. Young        |
| Mr. Giffard     |                  |                     |

103

Those who voted in the negative are

Mr. Cameron                      Mr. Litchfield

2

The question then recurred on agreeing to the final passage of the said bill.

Debates were had thereon ; when

Mr. Walrath called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Whereupon,

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

} AYES 99 }  
 } NAYS 07 }

Those who voted in the affirmative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. Frisbee      | Mr. Porter          |
| Mr. Bagg        | Mr. Garretson    | Mr. Preston         |
| Mr. Bailey      | Mr. Gifford      | Mr. Rice            |
| Mr. Barber      | Mr. D. Gould     | Mr. Rogers          |
| Mr. Betts       | Mr. G. Goold     | Mr. Russell         |
| Mr. Bevens      | Mr. Gregory      | Mr. Sager           |
| Mr. Billings    | Mr. Hall         | Mr. Salisbury       |
| Mr. Blake       | Mr. Hammond      | Mr. Sears           |
| Mr. Bloss       | Mr. Hannum       | Mr. Sherman         |
| Mr. J. Brooks   | Mr. Harden       | Mr. Skelton         |
| Mr. M. Brooks   | Mr. Harris       | Mr. A. C. Smith     |
| Mr. Brower      | Mr. Hazelton     | Mr. W. Smith        |
| Mr. L. H. Brown | Mr. Heermans     | Mr. Speaker         |
| Mr. S. A. Brown | Mr. Hervey       | Mr. J. Stevenson    |
| Mr. A. H. Buell | Mr. Hine         | Mr. R. L. Stevenson |
| Mr. T. Buel     | Mr. Horton       | Mr. Strobebridge    |
| Mr. Bunker      | Mr. Howard       | Mr. Sweeney         |
| Mr. Burdick     | Mr. Huntington   | Mr. Tefft           |
| Mr. Bush        | Mr. Jarvis       | Mr. Thayer          |
| Mr. Cameron     | Mr. Johnson      | Mr. Thompson        |
| Mr. Carpenter   | Mr. Jones        | Mr. Tibbits         |
| Mr. Chase       | Mr. Knapp        | Mr. Titus           |
| Mr. Coe         | Mr. D. Lee       | Mr. Van Schoonhoven |
| Mr. Collins     | Mr. T. R. Lee    | Mr. Van Valkenburgh |
| Mr. Comstock    | Mr. M'Carthy     | Mr. Walrath         |
| Mr. Constant    | Mr. M'Key        | Mr. Wheeler         |
| Mr. E. Crosby   | Mr. Mather       | Mr. White           |
| Mr. Culver      | Mr. C. B. Miller | Mr. Whitney         |
| Mr. Danforth    | Mr. Morris       | Mr. Worden          |
| Mr. Dewey       | Mr. Morrison     | Mr. Wyckoff         |
| Mr. Fenn        | Mr. Newkirk      | Mr. Wynant          |
| Mr. Field       | Mr. Niven        | Mr. A. W. Young     |
| Mr. Fonda       | Mr. Oakley       | Mr. J. Young        |

99

Those who voted in the negative are

|                |             |            |
|----------------|-------------|------------|
| Mr. Litchfield | Mr. Raymond | Mr. Spring |
| Mr. Long       | Mr. Ross    | Mr. Wells  |
| Mr. Moulton    |             |            |

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

A message from the Senate, with the bills therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act to increase the number of the firemen of the village of Canandaigua;" and the bill entitled "An act to authorise the board of supervisors of the county of Jefferson to levy a tax upon the town of Wilna, to pay a debt against said town," and request the concurrence of the Assembly in the same.

The said bills were severally read the first time, and by unanimous consent were also read a second time, and the bill entitled "An act to increase the number of the firemen of the village of Canandaigua," was referred to the committee on the incorporation of cities and villages; and the bill entitled "An act to authorise the board of supervisors of the county of Jefferson to levy a tax upon the town of Wilna, to pay a debt against said town," was referred to the committee on the internal affairs of towns and counties.

Mr. M'Key offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the petition of two hundred democrats of Brookfield, Madison county, asking the Legislature to reprove in some way the course of Rhode-Island in relation to Thomas W. Dorr, be taken from the table, and referred to a select committee of eight, to be composed of one member from each Senate district of this State.

*Ordered*, That the said resolution be laid on the table.

Mr. Bevins offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill entitled "An act to authorise Charles Shepherd and others to connect a slip and basin with the Dansville sidecut of the Genesee Valley Canal," be made the special order for Saturday next at twelve o'clock.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Van Valkenburgh offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill entitled "An act for the relief of Arunah M. Adsit and others," be taken from the general orders, and referred to the committee of the whole having in charge the act to punish seduction and adultery, and for other purposes.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the negative.

Mr. Thompson offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the engrossed bill from the Senate, entitled "An act for the relief of the American Seamen's Friend Society," be referred to a select committee to report complete.

*Ordered*, That the said resolution be laid on the table.

Mr. Morris moved that the House proceed to the consideration of the motion made by Mr. Chase on a previous day, to reconsider the vote on agreeing to the resolution offered by Mr. Morris, in the words following, to wit :



*Resolved*, That it be referred to the Attorney General to report to this House, whether or not, in his opinion, an act authorising the New-York and Erie Railroad Company to construct any portion of their road in Pennsylvania, requires a vote of two-thirds of the members elected to this house ; also in relation to relinquishing the State lien upon the said road.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Morris, and it was determined in the affirmative.

The question then recurred on the said motion of Mr. Chase.

Debates were thereupon had ; when

Mr. Speaker put the question whether the House would agree to reconsider the vote on the said resolution, and it was determined in the negative. ■

Mr. J. Young moved that the House adjourn.

Mr. Speaker put the question whether the House would agree to the said motion, and it was determined in the affirmative.

The House then adjourned to ten o'clock to-morrow morning.

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## WEDNESDAY, MARCH 19, 1845.

The House met pursuant to adjournment.

The 50th Psalm was read by a pupil of the New-York Institution for the Blind.

Prayer by the Rev. Mr. Schneller.

The minutes of yesterday were read and approved.

A petition praying for the passage of a law abolishing the office of three of the four clerks of the Supreme Court, was read, and referred to the committee on the judiciary.

The petition of seven hundred and ninety citizens of the county of Orange, praying for a radical change in our school system and laws, was read.

Mr. Niven moved to refer the said petition to a select committee, to consist of one member from each senatorial district.

Mr. Russell moved to refer the said petition to the committee on colleges, academies and common schools.

Mr. T. R. Lee moved to lay the said petition on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. T. R. Lee, and it was determined in the negative.

Debates were then had ; when

Mr. T. R. Lee called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Whereupon,

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Russell, and it was determined in the affirmative.

The petition of sundry inhabitants of the town of New-Hartford in the county of Oneida, asking the Legislature to pass a law, submitting the question to the people, whether they will or will not be parties to a new confederacy, to include five slave states, made from a foreign territory, was read.

Mr. Comstock moved to lay the said petition on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Comstock, and it was determined in the affirmative.

{ AYES 69 }  
{ NAYS 36 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. Hall         | Mr. Rogers          |
| Mr. Bagg        | Mr. Harden       | Mr. Ross            |
| Mr. Bailey      | Mr. Hazelton     | Mr. Russell         |
| Mr. Bevens      | Mr. Hervey       | Mr. Sager           |
| Mr. Billings    | Mr. Hine         | Mr. Salisbury       |
| Mr. J. Brooks   | Mr. Howard       | Mr. Searing         |
| Mr. Brower      | Mr. Jarvis       | Mr. Sears           |
| Mr. L. H. Brown | Mr. Jones        | Mr. Skelton         |
| Mr. A. H. Buell | Mr. Knapp        | Mr. A. C. Smith     |
| Mr. Bunker      | Mr. T. R. Lee    | Mr. W. Smith        |
| Mr. Burdick     | Mr. M'Carthy     | Mr. Speaker         |
| Mr. Cameron     | Mr. M'Donald     | Mr. Spring          |
| Mr. Carpenter   | Mr. M'Key        | Mr. R. L. Stevenson |
| Mr. Comstock    | Mr. Mather       | Mr. Strobridge      |
| Mr. Constant    | Mr. C. B. Miller | Mr. Tefft           |
| Mr. Culver      | Mr. Morris       | Mr. Thayer          |
| Mr. Danforth    | Mr. Newkirk      | Mr. Thompson        |
| Mr. Fellows     | Mr. Niven        | Mr. Titus           |
| Mr. Fenn        | Mr. Pardee       | Mr. Van Valkenburgh |
| Mr. Fonda       | Mr. Pierce       | Mr. Walrath         |
| Mr. Garretson   | Mr. Porter       | Mr. Wheeler         |
| Mr. D. Gould    | Mr. Preston      | Mr. Whitney         |
| Mr. Gregory     | Mr. Raymond      | Mr. Winant          |

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Those who voted in the negative are

|            |              |             |
|------------|--------------|-------------|
| Mr. Barber | Mr. Frisbee  | Mr. M'Vean  |
| Mr. Betts  | Mr. Giffard  | Mr. Mann    |
| Mr. Blake  | Mr. G. Goold | Mr. Oakley  |
| Mr. Bloss  | Mr. Hammond  | Mr. Rice    |
| Mr. Bush   | Mr. Hannum   | Mr. Sherman |

|               |                |                  |
|---------------|----------------|------------------|
| Mr. Casner    | Mr. Harris     | Mr. J. Stevenson |
| Mr. Chase     | Mr. Heermans   | Mr. Tibbits      |
| Mr. Coe       | Mr. Horton     | Mr. White        |
| Mr. Collins   | Mr. Huntington | Mr. Wilcox       |
| Mr. E. Crosby | Mr. Johnson    | Mr. Worden       |
| Mr. Dewey     | Mr. D. Lee     | Mr. A. W. Young  |
| Mr. Field     | Mr. Long       | Mr. J. Young     |

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The remonstrance of sundry inhabitants of the county of Oswego, against the passage of a law for the relief of Jonathan Case, was read, and referred to the committee on grievances.

The petition of U. C. Hill and others of the city of New-York, for the incorporation of the Philharmonic Society of New-York, was read, and referred to the committee on charitable and religious societies.

The memorial of sundry inhabitants of the city of New-York, praying for the passage of a law in relation to taxes and assessments, and remonstrating against the taxing of merchandize and money funds belonging to non-residents, was read, and referred to the committee on ways and means.

Two several petitions of the mayor and common council and other citizens of the city of Brooklyn, praying for the passage of a law to change the location of Washington Park in said city, were read, and referred to the committee on the incorporation of cities and villages.

The petition of sundry inhabitants of the village of Liverpool in the county of Onondaga, praying for an amendment of the charter of said village, was read, and referred to the committee on the incorporation of cities and villages.

The petition of the common council of the city of Brooklyn, praying for authority to alter a certain street or road in said city, was read, and referred to the committee on the incorporation of cities and villages.

The petition of sundry inhabitants of the town of Victor in the county of Ontario, praying for the passage of a law authorising the erection of a town-house in said town, was read, and referred to the committee on the internal affairs of towns and counties.

The petition of sundry inhabitants of the village of Albia in the county of Rensselaer, praying for the passage of an act to prohibit the destruction of fish in a certain pond in said village, was read, and referred to the committee on the internal affairs of towns and counties.

The remonstrance of sundry inhabitants of the county of Ulster, against the passage of any law prohibiting fishing with drift nets, was read, and referred to the committee on the internal affairs of towns and counties.

Seven several petitions and resolutions of sundry inhabitants of the counties of Rockland, Orange, Chenango and Sullivan, praying for the passage of a law to abolish the office of county superintendent of common schools, and for other purposes, were read, and referred to the committee on colleges, academies and common schools.

The preamble and resolutions adopted at a meeting of the town superintendents of common schools for the southern district of the county of Washington, were read.

Mr. Niven moved to lay the said preamble and resolutions upon the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Niven, and it was determined in the negative.

Thereupon,

The said preamble and resolutions were referred to the committee on colleges, academies and common schools.

Seven several petitions of sundry inhabitants of the counties of Erie, Chautauque and New-York, praying for the passage of a law to protect the revenue of the Erie Canal against the competition of the Welland Canal, were read, and referred to the committee on canals.

The petition of sundry inhabitants of the county of Cayuga, praying for the repeal of the law allowing railroad companies to carry freight, was read, and referred to the committee on canals.

The remonstrance of sundry inhabitants of the county of Saratoga, against any material alteration in the common school law, was read, and referred to the committee on colleges, academies and common schools.

The petition of sundry inhabitants of the county of Kings, praying for an amendment of the charter of the Kings County Mutual Insurance Company, was read, and referred to the committee on banks and insurance companies.

The petition of sundry inhabitants of the county of Ulster, praying for the passage of a law requiring the banks to redeem their notes at par in the city of New-York or Albany, was read, and referred to the committee on banks and insurance companies.

The petition of sundry inhabitants of the city of Rochester, praying for the passage of a law compelling creditors to support their imprisoned debtors, was read, and referred to a select committee.

The remonstrance of sundry inhabitants of the county of Otsego, against running the New-York and Erie railroad into the State of Pennsylvania, was read.

Mr. Harden moved that the said remonstrance be printed.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Harden, and it was determined in the affirmative.

[See Document No. 182.]

Five several remonstrances of sundry inhabitants of the counties of Otsego, Schoharie, Sullivan and Ulster, against running any portion of the New-York and Erie railroad into the State of Pennsylvania, were read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Ontario, praying for the incorporation of a company to construct a railroad from the village of Canandaigua in said county, to the village of Corning in the county of Steuben, was read, and referred to the committee on railroads.

The petition of sundry inhabitants of the county of Herkimer, praying for the passage of a law authorising the construction of a road from the village of Morehouse in the county of Hamilton, to the village of Salisbury in said county of Herkimer, was read, and referred to the committee on roads and bridges.



Five several petitions of sundry inhabitants of the towns of Busti and Harmony in the county of Chautauque, praying for the erection of two new towns from parts of the towns of Harmony, Busti, Carroll and Chautauque, were read, and referred to the committee on the erection and division of towns and counties.

The remonstrance of sundry inhabitants of the town of Canajoharie in the county of Montgomery, against any division of said town, was read, and referred to the committee on the erection and division of towns and counties.

The petition of the town authority of the town of St. Armand in the county of Essex, praying for the passage of an act to increase the compensation for the collection of taxes in said town, was read, and referred to the committee on the erection and division of towns and counties.

The petition of sundry inhabitants of the city of New-York, praying for the repeal of the militia laws, was read, and referred to the committee on the militia and public defence.

Two several petitions of sundry inhabitants of the counties of Orange and Washington, praying for the passage of a law to submit the question of license to the people, were read, and ordered to be laid on the table.

Seven several petitions of sundry inhabitants of the city of New-York, praying that the New-York and Erie Railroad Company may be allowed to locate their road in the State of Pennsylvania, were read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Westchester, praying for the passage of an act authorising the construction of the New-York and Newhaven railroad, was read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of sundry inhabitants of the city of New-York, against granting the New-York and Erie Railroad Company a release from the State loan, unless they complete their road to Binghamton, was read, and referred to the committee of the whole when on the bill upon that subject.

Five several remonstrances of sundry inhabitants of the counties of Oneida and Onondaga, against closing the locks on the canals on the Sabbath, were read, and referred to the committee of the whole when on the bill upon that subject.

Two several remonstrances of sundry inhabitants of the counties of Montgomery and Albany, against the incorporation of the American and Foreign Bible Society, were read, and referred to the committee of the whole when on the bill upon that subject.

Two several petitions of sundry inhabitants of the county of Ulster, praying for the passage of a law to abolish the court of special sessions, were read, and referred to the committee of the whole when on the bill upon that subject.

The resolutions and remonstrance of sundry inhabitants of the county of Chenango, against any division of said county, were read, and referred to the committee of the whole when on the bill upon that subject.

Mr. Jones, from the committee on colleges, academies and common

schools, to which was referred the bill entitled "An act to amend an act authorising a loan of certain monies belonging to the United States, deposited with the State of New-York for safe keeping, passed April 4th, 1837," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Harden, from the committee on colleges, academies and common schools, to which was referred the petition of sundry inhabitants of the county of Montgomery, praying for the incorporation of the Fonda Academy, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Harden accordingly brought in the said bill, entitled "An act to incorporate the Fonda Academy;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Van Valkenburgh, from the committee on railroads, to which was referred the petition of sundry inhabitants of the counties of Ontario and Monroe, for an amendment of the charter of the Auburn and Rochester Railroad Company, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Van Valkenburgh accordingly brought in the said bill, entitled "An act to amend an act entitled 'An act to provide for the construction of a railroad from Auburn to Rochester,' passed May 13th, 1836;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the petition of sundry inhabitants of the county of Otsego, for the passage of a law granting a lien on buildings for articles furnished and labor performed, reported unfavorably to the prayer of the petitioners, and offered the following resolution, to wit :

*Resolved*, That the committee on the judiciary be discharged from the further consideration of the petition for an extension of the mechanics' lien law to the county of Otsego.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the petition of sundry citizens of the city of New-York, for the passage of an act to close the State courts against applicants for naturalization, reported unfavorably to the prayer of the petitioners, and offered the following resolution, to wit :

*Resolved*, That the committee on the judiciary be discharged from the further consideration of the petition for the passage of a law to close the State courts against applicants for naturalization.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the bill entitled "An act to amend the law providing for the erection of towns and counties," reported, that the committee had ex-

amined the said bill, and concluded to offer the following resolution :

*Resolved*, That the bill be rejected.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the negative.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the petition of sundry inhabitants of the eighth senate district, praying for the passage of an act prohibiting masters in chancery from selling real estate out of the county for which they are appointed, reported unfavorably to the prayer of the petitioners, and offered the following resolution, to wit :

*Resolved*, That the committee on the judiciary be discharged from the further consideration of the petition for the passage of a law to prohibit masters in chancery from selling real estate out of the county for which they are appointed.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the petition of sundry inhabitants of the county of Sullivan, for the passage of an act authorising deeds and mortgages to be recorded in town clerks' offices, reported unfavorably to the prayer of the petitioner, and offered the following resolution, to wit :

*Resolved*, That the committee on the judiciary be discharged from the further consideration of the petition for the passage of a law authorising deeds and mortgages to be recorded in town clerks' offices.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the bill entitled "An act to provide for the compensation of jurors and witnesses," reported, that the committee had examined the said bill, and concluded to offer the following resolution, to wit :

*Resolved*, That the bill be rejected.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the negative.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the bill entitled "An act to amend the Revised Statutes, in relation to the enumeration of the inhabitants of this State," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the petition of sundry inhabitants of the county of Sullivan, for the passage of an act vesting additional powers in the board of supervisors of that county, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. T. R. Lee accordingly brought in the said



bill, entitled "An act to vest certain powers in the board of supervisors of Sullivan county;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the several petitions relative to the fisheries in the Hudson river, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. T. R. Lee accordingly brought in the said bill, entitled "An act for the preservation of fish in the Hudson river;" which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. T. R. Lee,

*Ordered*, That the said bill be laid on the table.

Mr. Chase moved a reconsideration of the vote discharging the committee on the judiciary from the further consideration of the petition of sundry inhabitants of the county of Otsego, for the passage of a law granting a lien on buildings for articles furnished and labor performed.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Chase, and it was determined in the affirmative.

On motion of Mr. Wheeler,

*Ordered*, That the said petition be referred to the committee on trade and manufactures.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act in relation to the temporary relief of the poor in the county of Livingston, and such other counties as may adopt the provisions of this act," and found the same correctly engrossed.

*Ordered*, That the said bill do have its third reading.

Mr. Blake, from the committee on trade and manufactures, to which was referred the petition of sundry citizens of the city of New-York, praying for the passage of a general law for manufacturing and agricultural purposes, reported unfavorably to the prayer of the petitioners, and offered the following resolution, to wit:

*Resolved*, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the engrossed bill from the Senate, entitled "An act to authorise the board of supervisors of the county of Jefferson to levy a tax upon the town of Wilna, to pay a debt against said town," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

By unanimous consent,

Mr. T. R. Lee moved that the bill entitled "An act to provide for the compensation of jurors and witnesses," be taken from the general orders, and recommitted to the committee on the judiciary.



Mr. Speaker put the question whether the House would agree to the said motion of Mr. T. R. Lee, and it was determined in the affirmative.

Mr. Ross, from the committee on the incorporation of cities and villages, to which was referred the engrossed bill from the Senate, entitled "An act to increase the number of the firemen of the village of Canandaigua," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be laid on the table.

Mr. Ross, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to amend an act entitled 'An act to vest certain powers in the freeholders and inhabitants of the village of Fort-Ann,'" reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

By unanimous consent,

Mr. Van Valkenburgh moved that the bill entitled "An act for the relief of the New-York Institution for the Blind," be taken from the general orders, and engrossed for a third reading.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Van Valkenburgh, and it was determined in the affirmative.

By unanimous consent,

Mr. T. R. Lee moved that the bill entitled "An act for the further relief of the New-York Eye and Ear Infirmary," be taken from the general orders, and engrossed for a third reading.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. T. R. Lee, and it was determined in the affirmative.

Mr. Tefft, from the committee on claims, to which was referred the petition of Platt Williams, for compensation for damages sustained by him in consequence of the breaking of a dam across the Aldin creek, constructed for the Black River Canal, reported unfavorably to the prayer of the petitioner, and offered the following resolution, to wit :

*Resolved*, That the prayer of the petitioner ought not to be granted.

Mr. Harris moved to lay the said resolution on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Harris, and it was determined in the affirmative.

By unanimous consent,

Mr. T. R. Lee moved that the bill entitled "An act for the preservation of fish in the Hudson river," be taken from the table, and ordered to be engrossed for a third reading.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. T. R. Lee, and it was determined in the affirmative.

By unanimous consent,

Mr. Coe offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, (if the Senate concur,) That as fast as the several volumes of the Natural History of New-York are published, one copy of the same, with colored plates, including a copy of the Geological Map of

the State, be appropriated to the State Normal School in the city of Albany, and to each of the incorporated colleges and academies of this State, who shall apply for the same within six months after the passage of this resolution, and also to each of the incorporated literary associations which have a library of at least five hundred volumes.

*Ordered*, That the said resolution be laid on the table.

Mr. A. H. Buell, from the committee on banks and insurance companies, to which was referred the petition of sundry citizens of the city of New-York, for the incorporation of the Mutual Reliance Association of the said city, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. A. H. Buell accordingly brought in the said bill, entitled "An act to incorporate the Mutual Reliance Association of the city of New-York ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
Albany, March 18, 1845. }

TO THE ASSEMBLY.

I have this day approved and signed the bill entitled "An act authorising the Surveyor General to lease a certain lot of land belonging to the State, in the St. Regis reservation."

SILAS WRIGHT.

The report of the Secretary of State, on the petition of Jonathan Fowler, was received and read.

[See Document No. 183.]

*Ordered*, That the said report be laid on the table.

The hour of twelve o'clock at noon having arrived,

The House again resolved itself into a committee of the whole, on the amendments to the Constitution ; and after some time spent thereon, Mr. Speaker resumed the chair, and announced that the hour of two o'clock had arrived.

Whereupon,

The House then took a recess until four o'clock this afternoon.

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FOUR O'CLOCK P. M.

The House again met.

The House then again resolved itself into a committee of the whole, on the amendments to the Constitution ; and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Jones, from the said committee, reported progress, and asked for and obtained leave to sit again.

Mr. Huntington moved that the order of business of "Third reading of bills," and the intervening orders to "Unfinished business generally," be laid upon the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Huntington, and it was determined in the affirmative.

The House then again resolved itself into a committee of the whole, on the bill entitled "An act to punish seduction and adultery, and for other purposes," and on the bill entitled "An act to punish seduction and adultery as crimes;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Spring, from the said committee, reported progress on the said bills severally, and asked for and obtained leave to sit again.

On motion of Mr. Bevens,

The House then adjourned to ten o'clock to-morrow morning.

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## THURSDAY, MARCH 20, 1845.

The House met pursuant to adjournment.

The minutes of yesterday were read and approved.

Three several petitions of sundry inhabitants of the county of Jefferson, praying for the completion of the Black River Canal, were read, and referred to the committee on canals.

Two several petitions of sundry inhabitants of the counties of Greene and Otsego, praying for the passage of a law requiring banks to redeem their notes at par in the cities of Albany and New-York, were read, and referred to the committee on banks and insurance companies.

Four several remonstrances of sundry inhabitants of the counties of Cortland, Chautauque, Otsego and Delaware, against compelling banks to make par redemptions in Albany and New-York, were read, and referred to the committee on banks and insurance companies.

The petition of sundry mechanics of the county of Cortland, praying for the passage of a law giving mechanics a lien upon buildings and other property, was read, and referred to the committee on trade and manufactures.

The petition of sundry inhabitants of the village of Fultonville in the county of Montgomery, praying for the incorporation of said village, was read, and referred to the committee on the incorporation of cities and villages.

The remonstrance of sundry inhabitants of the town of Canajoharie in the county of Montgomery, against any division of said town, was read, and referred to the committee on the erection and division of towns and counties.

Two several petitions of sundry inhabitants of the counties of St. Lawrence and Sullivan, praying for a revision of the present school laws, were read, and referred to the committee on colleges, academies and common schools.

The affidavits of sundry persons of the city of Philadelphia, respecting the effect produced in the price of freight, by bridges across navigable rivers, were read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the town of Rochester in the county of Dutchess, praying for the passage of an act authorising a tax to be levied upon said town, to pay John D. Schoonmaker for building a bridge therein, was read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the county of Cayuga, praying for the construction of a plank road from Albany to Buffalo, by convict labor, was read, and referred to the committee on state prisons.

The petition of sundry inhabitants of the county of Chautauque, praying for the passage of the proposed license law, was read, and ordered to be laid upon the table.

The remonstrance of sundry inhabitants of the county of Montgomery, against shutting the canal locks on the Sabbath, was read, and ordered to be laid upon the table.

Four several petitions of sundry inhabitants of the county of Otsego, praying for an alteration of the law of landlord and tenant, and also for the passage of a law limiting the quantity of land to be acquired by any individual, were read, and referred to the select committee on the petitions for an alteration of the law of landlord and tenant.

Five several petitions of sundry inhabitants of the counties of Allegany and New-York, praying for the consent of the Legislature, that the New-York and Erie Railroad Company may locate certain portions of their road in the State of Pennsylvania, were read, and referred to the committee of the whole when on the bill upon that subject.

Ten several remonstrances of sundry inhabitants of the counties of Chenango, Otsego and Schoharie, against allowing the New-York and Erie Railroad Company to locate any portion of their road in the State of Pennsylvania, were read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Ulster, praying for the passage of the bill introduced in the Assembly, to abolish courts of special sessions, was read, and referred to the committee of the whole when on the said bill.

The petition of sundry mechanics of the city of Albany, praying for the passage of the Northern State Prison bill, now pending in the Assembly, was read, and referred to the committee of the whole when on the said bill.

The remonstrance of sundry inhabitants of the county of Chenango, against any division of the said county, was read, and referred to the committee of the whole when on the bill upon that subject.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act for the relief of the New-York Institution for the Blind;" the bill entitled "An act for the preservation of fish in the Hudson river," and the bill entitled "An act for the further relief of the New-York Eye and Ear Infirmary," and found the same severally correctly engrossed.

*Ordered,* That the said bills do have their third reading.



The House then resolved itself into a committee of the whole, on the bill amendatory of the acts in relation to the election and terms of office of town assessors and commissioners of highways;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Bevens, from the said committee, reported progress, and asked for and obtained leave to sit again.

The House then again resolved itself into a committee of the whole, on the bill entitled "An act to incorporate the Troy and Greenbush Railroad Association," on the bill entitled "An act imposing tolls on the Troy and Schenectady Railroad Company," and on the bill entitled "An act to impose tolls on the Mohawk and Hudson Railroad Company;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Garretson, from the said committee, reported, that the committee had gone through the bill entitled "An act to incorporate the Troy and Greenbush Railroad Association," made sundry amendments thereto, and agreed to the same; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. Garretson, from the same committee, reported, that the committee had gone through the bill entitled "An act imposing tolls on the Troy and Schenectady Railroad Company," made sundry amendments thereto, and agreed to the same; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. Garretson, from the same committee, reported, that the committee had gone through the bill entitled "An act imposing tolls on the Mohawk and Hudson Railroad Company," made sundry amendments thereto, and agreed to the same; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

The House then again resolved itself into a committee of the whole, on the bill entitled "An act to punish seduction and adultery, and for other purposes," and on the bill entitled "An act to punish seduction and adultery as crimes;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Spring, from the said committee, reported progress on the said bills severally, and asked for and obtained leave to sit again.

The House then resolved itself into a committee of the whole, on the bill entitled "An act enlarging the powers of the North American Fire Insurance Company;" on the bill entitled "An act to incorporate the New-York State Insurance Company;" and on the bill entitled "An act to amend an act entitled 'An act for the relief of Robert Gere and Philo C. Weaver,' passed May 2d, 1844;" and after some time spent thereon, Mr. Speaker resumed the chair, and announced that the hour of two o'clock had arrived.

Whereupon,

The House took a recess until four o'clock this afternoon.

## FOUR O'CLOCK P. M.

The House again met.

The House resumed the consideration of the bill entitled "An act enlarging the powers of the North American Fire Insurance Company;" of the bill entitled "An act to incorporate the New-York State Insurance Company;" and of the bill entitled "An act to amend an act entitled 'An act for the relief of Robert Gere and Philo C. Weaver' passed May 2d, 1844;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Huntington, from the said committee, reported, that the committee had gone through the bill entitled "An act enlarging the powers of the North American Fire Insurance Company," made sundry amendments thereto, and agreed to the same; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. Huntington, from the same committee, reported progress on the bill entitled "An act to incorporate the New-York State Insurance Company," and on the bill entitled "An act to amend an act entitled 'An act for the relief of Robert Gere and Philo C. Weaver,' passed May 2d, 1844," and asked for and obtained leave to sit again.

The House then again resolved itself into a committee of the whole, on the bill entitled "An act to punish seduction and adultery, and for other purposes," and on the bill entitled "An act to punish seduction and adultery as crimes;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Spring, from the said committee, reported, that the committee had examined the bill entitled "An act to punish seduction and adultery as crimes," and stricken out all after the enacting clause thereof; and that the committee had made some progress on the bill entitled "An act to punish seduction and adultery, and for other purposes," but not having gone through with the same, had directed their chairman to ask for leave to sit again.

Mr. Speaker put the question whether the House would grant the committee of the whole leave to sit again on the said bill, and it was determined in the affirmative.

*Ordered*, That Mr. Rice have leave of absence for seven days, Mr. Jones for four days, Mr. Whitney for six days, and Mr. Crain for six days.

By unanimous consent,

Mr. Fonda offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That the Secretary of State and Surveyor General are hereby requested to furnish the committee on grievances with the proper information relative to the records, papers, maps and surveys, that have been made upon the Indian deed to William Smith junior, and others; and to whom the said lands have been conveyed prior to 1776; and if any part has been conveyed by this State; and report the same to this house, as the circumstances of the case will permit.

*Ordered*, That the said resolution be laid on the table.

On motion of Mr. Niven,

The House then adjourned to ten o'clock to-morrow morning.

## FRIDAY, MARCH 21, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Spicer.

The minutes of yesterday were read and approved.

The petition of sundry inhabitants of the county of Erie, praying for the passage of a law, making exemplified copies of proceedings in the district and circuit courts of the United States, evidence in the courts of this State, was read, and referred to the committee on the judiciary.

The remonstrance of sundry inhabitants of the village of Kingston in the county of Ulster, against the creation of a police justice for the village and town of Kingston, was read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the village of Canton in the county of St. Lawrence, praying for the incorporation of said village, was read, and referred to the committee on the incorporation of cities and villages.

The petition of sundry inhabitants of the village of Mexico in the county of Oswego, praying for the incorporation of said village, was read, and referred to the committee on the incorporation of cities and villages.

The remonstrance of sundry inhabitants of the town of Mexico in the county of Oswego, against the incorporation of the village of Mexico, was read, and referred to the committee on the incorporation of cities and villages.

The petition of sundry inhabitants of the county of Otsego, praying for the passage of a law requiring the banks to redeem their notes at par in the city of New-York, was read, and referred to the committee on banks and insurance companies.

The petition of the president, directors and company of the Commercial Bank of Albany, praying for the renewal of their charter, was read, and referred to the committee on banks and insurance companies.

Two several petitions of sundry inhabitants of the counties of Tompkins and Ulster, praying for the passage of a law to abolish the office of county superintendent of common schools, were read, and referred to the committee on colleges, academies and common schools.

Two several remonstrances of sundry inhabitants of the town of Canajoharie in the county of Montgomery, against any division of said town, were read, and referred to the committee on the erection and division of towns and counties.

Two several remonstrances of sundry inhabitants of the town of Shawangunk in the county of Ulster, against the erection of a new town from parts of the town of Shawangunk, New-Paltz and Rochester, were read, and referred to the committee on the erection and division of towns and counties.

The petition of sundry inhabitants of the county of Ulster, praying for the erection of a new town in said county, to be called Gardiner, was read, and referred to the committee on the erection and division of towns and counties.



The remonstrance of sundry inhabitants of the town of Frenchcreek in the county of Chautauque, against any division of said county, was read, and referred to the committee on the erection and division of towns and counties.

The petition of sundry inhabitants of the county of Hamilton, praying for the passage of a law relative to building a jail in said county, was read, and referred to the committee on the internal affairs of towns and counties.

The petition of sundry inhabitants of the county of Wayne, praying for the passage of a law to restore the distinction between town and county poor in said county, was read, and referred to the committee on the internal affairs of towns and counties.

The petition of Sarah R. Ingraham and others of the city of New-York, praying that the American Female Moral Reform Society in said city may be incorporated, was read, and referred to the committee on charitable and religious societies.

The petition of sundry inhabitants of the county of Steuben, praying for the appointment of a railroad commissioner, was read, and referred to the committee on railroads.

The remonstrance of sundry inhabitants of the county of Rensselaer, against allowing railroad companies to carry freight, was read, and referred to the committee on railroads.

The remonstrance of sundry inhabitants of the county of Rensselaer, against the removal of the toll-gate on the Berlin and Pæstenkill turnpike road, was read, and referred to the committee on roads and bridges.

Two several petitions of sundry inhabitants of the counties of New-York and Chautauque, praying for the passage of a law submitting the question of license to the people, were read, and referred to the committee of the whole when on the bill upon that subject.

The petition of the commissioners of highways of the town of Watervliet in the county of Albany, praying for an alteration in the laws relating to highways, was read.

Mr. C. F. Crosby moved to refer the said petition to a select committee, consisting of the members attending this house from the county of Albany.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. C. F. Crosby, and it was determined in the affirmative.

The petition of sundry inhabitants of the county of Fulton, praying for an alteration of the law of landlord and tenant, was read, and referred to the select committee on that subject.

Two several petitions of sundry inhabitants of the counties of New-York and Steuben, praying for the adoption of a discriminating system of tolls on the canals, were read, and referred to the committee on canals.

Three several petitions of sundry inhabitants of the counties of Lewis, Albany and Onondaga, praying for the completion of the Black River Canal, were read, and referred to the committee on canals.

The memorial of the common council of the city of Albany, in relation to a bridge across the canal in Water-street in said city, was read, and referred to the committee on canals.



Eleven several petitions of sundry inhabitants of the counties of New-York, Allegany, Chemung and Chautauque, praying for the passage of a law allowing the New-York and Erie Railroad Company to locate their road in the State of Pennsylvania, were read, and referred to the committee of the whole when on the bill upon that subject.

Ten several remonstrances of sundry inhabitants of the counties of Otsego, Schoharie, Orange and New-York, against running the New-York and Erie railroad into the State of Pennsylvania, were read, and referred to the committee of the whole when on the bill upon that subject.

Two several petitions of sundry inhabitants of the counties of Wayne and Delaware, praying for the incorporation of the American and Foreign Bible Society, were read, and referred to the committee of the whole when on the bill upon that subject.

Mr. Thompson, from the committee on charitable and religious societies, to which was referred the petition of sundry citizens of the city of New-York, for the incorporation of the Philharmonic Society of said city, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Thompson accordingly brought in the said bill, entitled "An act to incorporate the Philharmonic Society of New-York;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Ross, from the committee on the incorporation of cities and villages, to which was referred the petition of the mayor and common council of the city of Brooklyn, praying for the passage of an act to change the location of the Washington Park in the said city, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Ross accordingly brought in the said bill, entitled "An act to change the location of Washington Park in the city of Brooklyn;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Ross, from the committee on the incorporation of cities and villages, to which was referred the petition of the common council of the city of Brooklyn, for the passage of an act authorising the alteration of a certain street in said city, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Ross accordingly brought in the said bill, entitled "An act to consolidate and amend the act entitled 'An act to incorporate the city of Brooklyn,' passed April 8th, 1834, and the various acts amendatory thereof, and for other purposes;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Ross, from the committee on the incorporation of cities and villages, to which was referred the petition of sundry inhabitants of the village of Liverpool in the county of Onondaga, for an amendment of the charter of the said village, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Ross accordingly brought in the said bill, entitled "An act to amend the acts relative to the village of Liverpool;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to amend the act incorporating the Schenectady and Troy Railroad Company;" the bill entitled "An act to amend the act incorporating the Mohawk and Hudson Railroad Company;" the bill entitled "An act to incorporate the Troy and Greenbush Railroad Association," and the bill entitled "An act enlarging the powers of the North American Fire Insurance Company," and found the same severally correctly engrossed.

*Ordered*, That the said bills do have their third reading.

Mr. M'Carthy, from the committee on the petitions of aliens, to which was recommitted the bill entitled "An act for the relief of Edwin Whitney," reported, that the committee had gone through the said bill, made sundry amendments thereto, altered the title so as to read "An act to amend an act entitled 'An act for the relief of the heirs of William Dunn,' passed April 17th, 1844," and, as amended, saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Van Valkenburgh, from the committee on railroads, to which was referred the petition of sundry inhabitants of the county of Ontario, praying for the incorporation of a company to construct a railroad from Canandaigua to Corning, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Van Valkenburgh accordingly brought in the said bill, entitled "An act to provide for the construction of a railroad from the village of Canandaigua in the county of Ontario, to the village of Corning in the county of Steuben;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. M. Brooks, from the committee on the expenses of the executive department, to which was referred the engrossed bill from the Senate, entitled "An act in relation to the Capitol," reported, that the committee had gone through the said bill, and made sundry amendments thereto, and saw no reason why the said bill, as amended, should not be passed into a law.

*Ordered*, That the said bill and amendments be committed to a committee of the whole house.

Mr. Boughton, from the committee on grievances, to which was referred the petition of Zaccheus P. Giller, praying for relief, reported unfavorably to the prayer of the petitioner, and offered the following resolution, to wit :

*Resolved*, That the prayer of the petitioner ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Titus, from the committee on trade and manufactures, to which was referred the petition for the incorporation of the United States

Curvilinear Sawing Company, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill

Leave being granted, Mr. Titus accordingly brought in the said bill, entitled "An act to incorporate the United States Curvilinear Sawing Company in New-York ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Titus, from the committee on trade and manufactures, asked for and obtained leave to bring in a bill, entitled "An act in relation to Montezuma salt ;" which was read the first time, and by unanimous consent was also read a second time, and, on motion of Mr. D. Goold, ordered to be engrossed for a third reading.

A message from the Senate, with the bills therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act to prevent the disturbance of evening schools in the several district school-houses in this State ;" and the bill entitled "An act for the relief of the trustees of school district number eleven in the town of Otselic, Chenango county," and request the concurrence of the Assembly in the same.

The said bills were severally read the first time, and by unanimous consent were also read a second time, and referred to the committee on colleges, academies and common schools.

The engrossed bill entitled "An act for the preservation of fish in the Hudson river," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act for the relief of the New-York Institution for the Blind," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 112 }  
{ NAYS 00 }

Those who voted in the affirmative are

Mr. Bachman  
Mr. Bagg  
Mr. Bailey  
Mr. Barber  
Mr. Betts  
Mr. Bevins  
Mr. Billings  
Mr. Blake  
Mr. Bloss  
Mr. Boughton  
Mr. Bowen

Mr. Frisbee  
Mr. Giffard  
Mr. D. Gould  
Mr. G. Goold  
Mr. Gregory  
Mr. Hall  
Mr. Hammond  
Mr. Hannum  
Mr. Harden  
Mr. Harris  
Mr. Hazelton

Mr. Pierce  
Mr. Porter  
Mr. Preston  
Mr. Raymond  
Mr. Rogers  
Mr. Ross  
Mr. Russell  
Mr. Sager  
Mr. Salisbury  
Mr. Searing  
Mr. Sears

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. J. Brooks   | Mr. Heermans   | Mr. Sherman         |
| Mr. M. Brooks   | Mr. Hervey     | Mr. Skelton         |
| Mr. Brower      | Mr. Hine       | Mr. A. C. Smith     |
| Mr. L. H. Brown | Mr. Horton     | Mr. W. Smith        |
| Mr. S. A. Brown | Mr. Howard     | Mr. Speaker         |
| Mr. A. H. Buell | Mr. Huntington | Mr. Spring          |
| Mr. Bunker      | Mr. Jarvis     | Mr. J. Stevenson    |
| Mr. Burdick     | Mr. Johnson    | Mr. R. L. Stevenson |
| Mr. Bush        | Mr. Knapp      | Mr. Strobridge      |
| Mr. Cameron     | Mr. D. Lee     | Mr. Sweeney         |
| Mr. Carpenter   | Mr. T. R. Lee  | Mr. Tefft           |
| Mr. Casner      | Mr. Litchfield | Mr. Thayer          |
| Mr. Chase       | Mr. Long       | Mr. Tibbits         |
| Mr. Coe         | Mr. M'Carthy   | Mr. Titus           |
| Mr. Collins     | Mr. M'Donald   | Mr. Van Schoonhoven |
| Mr. Comstock    | Mr. M'Key      | Mr. Van Valkenburgh |
| Mr. Constant    | Mr. Mann       | Mr. Walrath         |
| Mr. E. Crosby   | Mr. Mather     | Mr. Wells           |
| Mr. Culver      | Mr. S. Miller  | Mr. Wheeler         |
| Mr. Danforth    | Mr. Morris     | Mr. White           |
| Mr. Dewey       | Mr. Morrison   | Mr. Wilcox          |
| Mr. Dickson     | Mr. Moulton    | Mr. Worden          |
| Mr. Edwards     | Mr. Newkirk    | Mr. Wyckoff         |
| Mr. Fellows     | Mr. Niven      | Mr. Wynant          |
| Mr. Fenn        | Mr. Oakley     | Mr. A. W. Young     |
| Mr. Field       | Mr. Pardee     | Mr. J. Young        |
| Mr. Fonda       |                |                     |

112

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to amend and renew the act to provide for the construction of a railroad from Oswego to Syracuse, passed April 29th, 1839," was announced in order for a third reading.

By unanimous consent,

Mr. J. Young moved to amend the said bill, by adding an additional section, in the words following, to wit :

§ . The company hereby incorporated shall not charge exceeding the rate of four cents per mile for fare of passengers and their ordinary baggage.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. J. Young, and it was determined in the affirmative.

Whereupon,

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, as amended, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit .

{ AYES 109 }  
{ NAYS 01 }



Those who voted in the affirmative are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Bachman     | Mr. D. Gould   | Mr. Preston         |
| Mr. Bagg        | Mr. G. Gould   | Mr. Raymond         |
| Mr. Barber      | Mr. Gregory    | Mr. Rogers          |
| Mr. Betts       | Mr. Hall       | Mr. Ross            |
| Mr. Bevens      | Mr. Hammond    | Mr. Russell         |
| Mr. Billings    | Mr. Hannum     | Mr. Sager           |
| Mr. Blake       | Mr. Harden     | Mr. Salisbury       |
| Mr. Bloss       | Mr. Harris     | Mr. Searing         |
| Mr. Boughton    | Mr. Hazelton   | Mr. Sears           |
| Mr. Bowen       | Mr. Heermans   | Mr. Sherman         |
| Mr. J. Brooks   | Mr. Hervey     | Mr. Skelton         |
| Mr. M. Brooks   | Mr. Hine       | Mr. A. C. Smith     |
| Mr. L. H. Brown | Mr. Horton     | Mr. W. Smith        |
| Mr. S. A. Brown | Mr. Howard     | Mr. Speaker         |
| Mr. A. H. Buell | Mr. Huntington | Mr. Spring          |
| Mr. Bunker      | Mr. Jarvis     | Mr. J. Stevenson    |
| Mr. Burdick     | Mr. Johnson    | Mr. R. L. Stevenson |
| Mr. Bush        | Mr. D. Lee     | Mr. Strobbridge     |
| Mr. Cameron     | Mr. T. R. Lee  | Mr. Sweeney         |
| Mr. Casner      | Mr. Litchfield | Mr. Tefft           |
| Mr. Chase       | Mr. Long       | Mr. Thayer          |
| Mr. Coe         | Mr. M'Carthy   | Mr. Thompson        |
| Mr. Collins     | Mr. M'Donald   | Mr. Tibbits         |
| Mr. Comstock    | Mr. M'Key      | Mr. Titus           |
| Mr. Constant    | Mr. Mann       | Mr. Van Schoonhoven |
| Mr. E. Crosby   | Mr. Mather     | Mr. Van Valkenburgh |
| Mr. Culver      | Mr. S. Miller  | Mr. Walrath         |
| Mr. Danforth    | Mr. Morris     | Mr. Wells           |
| Mr. Dewey       | Mr. Morrison   | Mr. Wheeler         |
| Mr. Dickson     | Mr. Moulton    | Mr. White           |
| Mr. Edwards     | Mr. Newkirk    | Mr. Wilcox          |
| Mr. Fellows     | Mr. Niven      | Mr. Worden          |
| Mr. Fenn        | Mr. Oakley     | Mr. Wyckoff         |
| Mr. Field       | Mr. Pardee     | Mr. Winant          |
| Mr. Fonda       | Mr. Pierce     | Mr. A. W. Young     |
| Mr. Frisbee     | Mr. Porter     | Mr. J. Young        |
| Mr. Giffard     |                |                     |

109

For the negative,

Mr. Brower

1

Mr. D. Lee moved a reconsideration of the vote on the final passage of the said bill.

Mr. D. Lee also moved to lay on the table his said motion for the reconsideration of the vote on the final passage of the said bill.

Mr. Speaker put the question whether the House would agree to the last motion of Mr. D. Lee, and it was determined in the negative.

Mr. Russell called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Whereupon,

Mr. Speaker put the question whether the House would agree to reconsider the vote on the final passage of the said bill, and it was determined in the negative; less than two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit:

{ AYES 19 }  
{ NAYS 86 }

Those who voted in the affirmative are

|                 |              |                |
|-----------------|--------------|----------------|
| Mr. Betts       | Mr. Edwards  | Mr. Litchfield |
| Mr. Bloss       | Mr. Frisbee  | Mr. Long       |
| Mr. Bowen       | Mr. G. Goold | Mr. M'Vean     |
| Mr. J. Brooks   | Mr. Hannum   | Mr. Raymond    |
| Mr. S. A. Brown | Mr. Heermans | Mr. Wells      |
| Mr. Bush        | Mr. D. Lee   | Mr. Winant     |
| Mr. Dewey       |              |                |

19

Those who voted in the negative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. Hammond      | Mr. Ross            |
| Mr. Bagg        | Mr. Harden       | Mr. Russell         |
| Mr. Barber      | Mr. Harris       | Mr. Sager           |
| Mr. Bevens      | Mr. Hazelton     | Mr. Salisbury       |
| Mr. Billings    | Mr. Hervey       | Mr. Searing         |
| Mr. Boughton    | Mr. Hine         | Mr. Sears           |
| Mr. M. Brooks   | Mr. Horton       | Mr. Sherman         |
| Mr. L. H. Brown | Mr. Howard       | Mr. Skelton         |
| Mr. A. H. Buell | Mr. Huntington   | Mr. A. C. Smith     |
| Mr. Bunker      | Mr. Jarvis       | Mr. W. Smith        |
| Mr. Burdick     | Mr. Johnson      | Mr. Speaker         |
| Mr. Carpenter   | Mr. Knapp        | Mr. Spring          |
| Mr. Casner      | Mr. T. R. Lee    | Mr. J. Stevenson    |
| Mr. Chase       | Mr. M'Carthy     | Mr. R. L. Stevenson |
| Mr. Coe         | Mr. M'Donald     | Mr. Strobbridge     |
| Mr. Collins     | Mr. M'Key        | Mr. Sweeney         |
| Mr. Comstock    | Mr. Mather       | Mr. Tefft           |
| Mr. Constant    | Mr. C. B. Miller | Mr. Thayer          |
| Mr. E. Crosby   | Mr. S. Miller    | Mr. Thompson        |
| Mr. Culver      | Mr. Morris       | Mr. Van Schoonhoven |
| Mr. Danforth    | Mr. Morrison     | Mr. Walrath         |
| Mr. Dickson     | Mr. Moulton      | Mr. Wheeler         |
| Mr. Fellows     | Mr. Newkirk      | Mr. White           |
| Mr. Field       | Mr. Niven        | Mr. Wilcox          |

|              |            |                 |
|--------------|------------|-----------------|
| Mr. Fonda    | Mr. Oakley | Mr. Worden      |
| Mr. Giffard  | Mr. Pardee | Mr. Wyckoff     |
| Mr. D. Gould | Mr. Pierce | Mr. A. W. Young |
| Mr. Gregory  | Mr. Porter | Mr. J. Young    |
| Mr. Hall     | Mr. Rogers |                 |

86

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act for the relief of the New-York Eye and Ear Infirmary," was read the third time.

Mr. Niven moved that the question on the final passage of the said bill be laid upon the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Niven, and it was determined in the affirmative.

The engrossed bill entitled "An act in relation to the temporary relief of the poor in the county of Livingston, and such other counties as may adopt the provisions of this act," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act enlarging the powers of the North American Fire Insurance Company," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 87 }  
{ NAYS 14 }

Those who voted in the affirmative are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Bachman     | Mr. D. Gould   | Mr. Raymond         |
| Mr. Bagg        | Mr. G. Goold   | Mr. Rogers          |
| Mr. Barber      | Mr. Gregory    | Mr. Ross            |
| Mr. Betts       | Mr. Hall       | Mr. Sager           |
| Mr. Billings    | Mr. Hammond    | Mr. Sears           |
| Mr. Bloss       | Mr. Hannum     | Mr. Sherman         |
| Mr. Boughton    | Mr. Harden     | Mr. Skelton         |
| Mr. Bowen       | Mr. Harris     | Mr. A. C. Smith     |
| Mr. J. Brooks   | Mr. Heermans   | Mr. W. Smith        |
| Mr. L. H. Brown | Mr. Hervey     | Mr. Speaker         |
| Mr. S. A. Brown | Mr. Hine       | Mr. Spring          |
| Mr. Bunker      | Mr. Horton     | Mr. J. Stevenson    |
| Mr. Burdick     | Mr. Huntington | Mr. R. L. Stevenson |
| Mr. Bush        | Mr. Jarvis     | Mr. Strobbridge     |
| Mr. Cameron     | Mr. Johnson    | Mr. Sweeney         |
| Mr. Casner      | Mr. D. Lee     | Mr. Thayer          |
| Mr. Coe         | Mr. Litchfield | Mr. Thompson        |
| Mr. Collins     | Mr. Long       | Mr. Tibbits         |

|               |               |                     |
|---------------|---------------|---------------------|
| Mr. Comstock  | Mr. M'Vean    | Mr. Van Schoonhoven |
| Mr. Constant  | Mr. Mann      | Mr. Walrath         |
| Mr. E. Crosby | Mr. S. Miller | Mr. Wells           |
| Mr. Culver    | Mr. Morris    | Mr. Wheeler         |
| Mr. Danforth  | Mr. Morrison  | Mr. White           |
| Mr. Dewey     | Mr. Moulton   | Mr. Wilcox          |
| Mr. Edwards   | Mr. Niven     | Mr. Worden          |
| Mr. Fellows   | Mr. Oakley    | Mr. Wyckoff         |
| Mr. Field     | Mr. Pardee    | Mr. Wynant          |
| Mr. Frisbee   | Mr. Porter    | Mr. A. W. Young     |
| Mr. Giffard   | Mr. Preston   | Mr. J. Young        |

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Those who voted in the negative are

|               |                  |               |
|---------------|------------------|---------------|
| Mr. Bailey    | Mr. M'Carthy     | Mr. Salisbury |
| Mr. Carpenter | Mr. M'Donald     | Mr. Searing   |
| Mr. Chase     | Mr. M'Key        | Mr. Tefft     |
| Mr. Hazelton  | Mr. C. B. Miller | Mr. Titus     |
| Mr. Howard    | Mr. Russell      |               |

14

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to incorporate the Troy and Greenbush Railroad Association," was read the third time.

Debates were had thereon; when,

The hour of twelve o'clock having arrived, the Chair announced the special order of the House, being the consideration of the amendments to the Constitution.

Mr. Van Schoonhoven moved to lay the said special order upon the table, until the "Third reading of bills" was disposed of.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Van Schoonhoven, and it was determined in the affirmative.

The question recurred on the final passage of the bill entitled "An act to incorporate the Troy and Greenbush Railroad Association."

Debates were again had; when

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

} AYES 103 }  
 } NAYS 06 }

Those who voted in the affirmative are

|             |             |             |
|-------------|-------------|-------------|
| Mr. Bachman | Mr. Hall    | Mr. Raymond |
| Mr. Bailey  | Mr. Hammond | Mr. Rogers  |
| Mr. Barber  | Mr. Hannum  | Mr. Ross    |
| Mr. Betts   | Mr. Harris  | Mr. Russell |



|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bevins      | Mr. Hazelton     | Mr. Sager           |
| Mr. Blake       | Mr. Heermans     | Mr. Salisbury       |
| Mr. Bloss       | Mr. Hervey       | Mr. Searing         |
| Mr. Boughton    | Mr. Hine         | Mr. Sears           |
| Mr. Bowen       | Mr. Horton       | Mr. Sherman         |
| Mr. S. A. Brown | Mr. Howard       | Mr. Skelton         |
| Mr. Bunker      | Mr. Huntington   | Mr. A. C. Smith     |
| Mr. Burdick     | Mr. Jarvis       | Mr. W. Smith        |
| Mr. Bush        | Mr. Johnson      | Mr. Speaker         |
| Mr. Cameron     | Mr. Knapp        | Mr. Spring          |
| Mr. Casner      | Mr. D. Lee       | Mr. J. Stevenson    |
| Mr. Chase       | Mr. T. R. Lee    | Mr. R. L. Stevenson |
| Mr. Coe         | Mr. M'Carthy     | Mr. Strobbridge     |
| Mr. Collins     | Mr. M'Donald     | Mr. Sweeney         |
| Mr. Comstock    | Mr. M'Key        | Mr. Tefft           |
| Mr. Constant    | Mr. M'Vean       | Mr. Thayer          |
| Mr. E. Crosby   | Mr. Mann         | Mr. Thompson        |
| Mr. Danforth    | Mr. Mather       | Mr. Tibbits         |
| Mr. Dewey       | Mr. C. B. Miller | Mr. Titus           |
| Mr. Dickson     | Mr. S. Miller    | Mr. Van Schoonhoven |
| Mr. Edwards     | Mr. Morris       | Mr. Van Valkenburgh |
| Mr. Fellows     | Mr. Morrison     | Mr. Walrath         |
| Mr. Fenn        | Mr. Moulton      | Mr. Wells           |
| Mr. Field       | Mr. Newkirk      | Mr. Wheeler         |
| Mr. Fonda       | Mr. Niven        | Mr. White           |
| Mr. Frisbee     | Mr. Oakley       | Mr. Wilcox          |
| Mr. Garretson   | Mr. Pardee       | Mr. Worden          |
| Mr. Gifford     | Mr. Pierce       | Mr. Wyckoff         |
| Mr. D. Gould    | Mr. Porter       | Mr. A. W. Young     |
| Mr. G. Goold    | Mr. Preston      | Mr. J. Young        |
| Mr. Gregory     |                  |                     |

103

Those who voted in the negative are

|               |                 |                |
|---------------|-----------------|----------------|
| Mr. J. Brooks | Mr. Brower      | Mr. Litchfield |
| Mr. M. Brooks | Mr. L. H. Brown | Mr. Wynant     |

6

*Ordered,* That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to amend an act incorporating the Schenectady and Troy Railroad Company," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 105 }  
{ NAYS 01 }

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Garretson    | Mr. Pierce          |
| Mr. Bailey       | Mr. Giffard      | Mr. Porter          |
| Mr. Barber       | Mr. D. Gould     | Mr. Preston         |
| Mr. Betts        | Mr. G. Goold     | Mr. Raymond         |
| Mr. Bevens       | Mr. Gregory      | Mr. Rogers          |
| Mr. Blake        | Mr. Hall         | Mr. Ross            |
| Mr. Bloss        | Mr. Hammond      | Mr. Russell         |
| Mr. Boughton     | Mr. Hannum       | Mr. Sager           |
| Mr. Bowen        | Mr. Harris       | Mr. Salisbury       |
| Mr. J. Brooks    | Mr. Hazelton     | Mr. Searing         |
| Mr. M. Brooks    | Mr. Heermans     | Mr. Sears           |
| Mr. Brower       | Mr. Hervey       | Mr. Skelton         |
| Mr. L. H. Brown  | Mr. Hine         | Mr. A. C. Smith     |
| Mr. S. A. Brown  | Mr. Horton       | Mr. W. Smith        |
| Mr. Bunker       | Mr. Howard       | Mr. Spring          |
| Mr. Burdick      | Mr. Jarvis       | Mr. J. Stevenson    |
| Mr. Bush         | Mr. Johnson      | Mr. R. L. Stevenson |
| Mr. Cameron      | Mr. Knapp        | Mr. Strobbridge     |
| Mr. Carpenter    | Mr. D. Lee       | Mr. Sweeney         |
| Mr. Casner       | Mr. T. R. Lee    | Mr. Tefft           |
| Mr. Chase        | Mr. Litchfield   | Mr. Thayer          |
| Mr. Coe          | Mr. M'Carthy     | Mr. Thompson        |
| Mr. Collins      | Mr. M'Donald     | Mr. Tibbits         |
| Mr. Comstock     | Mr. M'Key        | Mr. Titus           |
| Mr. Constant     | Mr. M'Vean       | Mr. Van Schoonhoven |
| Mr. C. F. Crosby | Mr. Mann         | Mr. Walrath         |
| Mr. E. Crosby    | Mr. Mather       | Mr. Wells           |
| Mr. Culver       | Mr. C. B. Miller | Mr. Wheeler         |
| Mr. Danforth     | Mr. S. Miller    | Mr. White           |
| Mr. Dewey        | Mr. Morris       | Mr. Wilcox          |
| Mr. Edwards      | Mr. Morrison     | Mr. Worden          |
| Mr. Fenn         | Mr. Moulton      | Mr. Wyckoff         |
| Mr. Field        | Mr. Newkirk      | Mr. Winant          |
| Mr. Fonda        | Mr. Niven        | Mr. A. W. Young     |
| Mr. Frisbee      | Mr. Oakley       | Mr. J. Young        |

105

For the negative,

Mr. Speaker

1

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to amend the act incorporating the Mohawk and Hudson Railroad Company," was read the third time.

On motion of Mr. Harris,

*Ordered*, That the question on the final passage of the said bill be laid upon the table.

Mr. Hannum, from the committee on engrossed bills, reported, that

the committee had examined the bill entitled "An act in relation to Montezuma salt," and found the same correctly engrossed.

*Ordered*, That the said bill do have its third reading.

Whereupon,

The said engrossed bill was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

In pursuance of previous notice, Mr. Searing asked for and obtained leave to bring in a bill, entitled "An act to reduce costs and fees in courts of law, and for other purposes;" which was read the first time, and by unanimous consent was also read a second time, and referred to the select committee on that subject.

By unanimous consent,

Mr. T. R. Lee offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That certain petitions from the town of Mountpleasant in the county of Westchester, relative to the village of Sing Sing, be taken from the files of the house, and referred back to the committee on the internal affairs of towns and counties.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

By unanimous consent,

Mr. Frisbee offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the committee on public printing be directed to report to this House, the amount charged for the usual number of bills, containing each one, two and three pages ; and of the several documents and reports, containing one to five pages : Also what would be the number of ems in each page, as now printed, were the leads and blank lines excluded ; and also the amount charged for Assembly Document No. 99, as furnished to this house.

*Ordered*, That the said resolution be laid on the table.

The Chair announced the special order of the House, being the consideration of the amendments to the Constitution.

On motion of Mr. C. F. Crosby,

*Ordered*, That the said special order be laid upon the table.

On motion of Mr. Walrath,

*Resolved*, That the engrossed bill from the Senate, entitled "An act to confirm certain conveyances executed by Elizer Williams, an Indian," be ordered to a third reading.

Mr. Hine offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the three first bills on the general orders in this house, relating to the county of Ulster, be referred to the same committee of the whole.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the negative.

The House then proceeded to the consideration of the resolution heretofore offered by Mr. Thompson, in the words following, to wit :

*Resolved*, That the engrossed bill from the Senate, entitled "An act for the relief of the American Seamen's Friend Society," be referred to a select committee to report complete.

Mr. T. R. Lee moved to amend the said resolution, so as to refer the said bill to the committee on charitable and religious societies.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. T. R. Lee, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to the said resolution, as amended, and it was determined in the affirmative.

The House then proceeded to the consideration of the resolution heretofore offered by Mr. M'Key, in the words following, to wit :

*Resolved*, That the petition of two hundred democrats of Brookfield, Madison county, asking the Legislature to reprove in some way the course of Rhode-Island in relation to Thomas W. Dorr, be taken from the table, and referred to a select committee of eight, to be composed of one member from each Senate district of this State.

Mr. Blake moved to lay the said resolution on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Blake, and it was determined in the negative.

Mr. C. F. Crosby challenged the count, and moved that tellers be appointed.

The Chair appointed Mr. C. F. Crosby and Mr. M'Key, tellers.

Whereupon the Chair again put the question ; and the tellers having stated the count to the Chair, it was announced by the Chair as determined in the negative.

The question recurred on agreeing to the said resolution.

Debates were had thereon ; when

Mr. Worden called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Whereupon,

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

{ AYES 75 }  
{ NAYS 39 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

Mr. Bachman  
Mr. Bailey  
Mr. Betts  
Mr. Bevens  
Mr. Billings  
Mr. Blake

Mr. Frisbee  
Mr. D. Gould  
Mr. Gregory  
Mr. Hall  
Mr. Hannum  
Mr. Harden

Mr. Pierce  
Mr. Porter  
Mr. Preston  
Mr. Rogers  
Mr. Ross  
Mr. Russell



|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bloss       | Mr. Harris       | Mr. Sager           |
| Mr. Boughton    | Mr. Hazelton     | Mr. Salisbury       |
| Mr. Bowen       | Mr. Heermans     | Mr. Searing         |
| Mr. J. Brooks   | Mr. Hervey       | Mr. Sears           |
| Mr. M. Brooks   | Mr. Hine         | Mr. Sherman         |
| Mr. L. H. Brown | Mr. Jarvis       | Mr. Skelton         |
| Mr. A. H. Buell | Mr. Knapp        | Mr. W. Smith        |
| Mr. Bunker      | Mr. D. Lee       | Mr. Spring          |
| Mr. Burdick     | Mr. M'Carthy     | Mr. Strobridge      |
| Mr. Bush        | Mr. M'Donald     | Mr. Sweeney         |
| Mr. Cameron     | Mr. M'Key        | Mr. Tefft           |
| Mr. Carpenter   | Mr. Mather       | Mr. Thayer          |
| Mr. Chase       | Mr. C. B. Miller | Mr. Thompson        |
| Mr. Comstock    | Mr. S. Miller    | Mr. Tibbits         |
| Mr. Culver      | Mr. Morris       | Mr. Titus           |
| Mr. Danforth    | Mr. Morrison     | Mr. Van Schoonhoven |
| Mr. Dewey       | Mr. Newkirk      | Mr. Van Valkenburgh |
| Mr. Dickson     | Mr. Niven        | Mr. Walrath         |
| Mr. Fonda       | Mr. Pardee       | Mr. Wynant          |

75

Those who voted in the negative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Bagg         | Mr. Giffard    | Mr. Raymond         |
| Mr. Barber       | Mr. G. Goold   | Mr. A. C. Smith     |
| Mr. S. A. Brown  | Mr. Hammond    | Mr. Speaker         |
| Mr. Casner       | Mr. Horton     | Mr. J. Stevenson    |
| Mr. Coe          | Mr. Huntington | Mr. R. L. Stevenson |
| Mr. Collins      | Mr. Johnson    | Mr. Wells           |
| Mr. Constant     | Mr. T. R. Lee  | Mr. Wheeler         |
| Mr. C. F. Crosby | Mr. Litchfield | Mr. White           |
| Mr. E. Crosby    | Mr. Long       | Mr. Wilcox          |
| Mr. Edwards      | Mr. M'Vean     | Mr. Worden          |
| Mr. Fenn         | Mr. Mann       | Mr. Wyckoff         |
| Mr. Field        | Mr. Moulton    | Mr. A. W. Young     |
| Mr. Garretson    | Mr. Oakley     | Mr. J. Young        |

39

Mr. Russell offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the South-Carolina resolutions offered by Mr. Van Schoonhoven, be referred to the same select committee.

*Ordered*, That the said resolution be laid on the table.

Mr. Van Schoonhoven moved that the House proceed to the consideration of the resolution heretofore offered by him, in the words following, to wit :

WHEREAS his Excellency the Governor of Massachusetts, in pursuance of resolutions passed by the Legislature of that Commonwealth, did, during the last year, with the advice and consent of the Council thereof, duly appoint and commission the Hon. Samuel Hoar, a citizen of said commonwealth, as an agent or commissioner on her part to proceed to and reside in the city of Charleston in the State of South-

Carolina, for the purpose of collecting and transmitting accurate information as to the number and names of citizens of Massachusetts who might theretofore have been or who might then be imprisoned in that city without the allegation of any crime, with full authority also on the part of said agent to bring and prosecute suits in behalf of any citizens who might be so imprisoned, at the expense of Massachusetts, for the purpose of having the legality of such imprisonment tried and determined in the Supreme Court of the United States : And whereas in pursuance of the purpose of such appointment, and in the prompt discharge of the official duties thus assigned to the Hon. Samuel Hoar, he did, in the month of November last, proceed to the city of Charleston, and immediately on his arrival communicate by letter to his Excellency the Governor of South-Carolina the fact of his appointment by the authorities of Massachusetts as agent for the purposes aforesaid, and of his presence in the city of Charleston for the discharge of such agency ; and his Excellency the Governor of South-Carolina was pleased thereupon to communicate by message with the Legislature of that State, then in session at Columbia, informing that Honorable Body of the arrival and commission of the Hon. Samuel Hoar, and submitting to them to determine upon the course of action most appropriate under the circumstances : And whereas the Honorable the Legislature of South-Carolina, on the reception of the message of his Excellency thus communicated, did, without delay, and with but a single dissenting voice, adopt and declare resolutions in the words following (or to the following effect), to wit :

*Resolved*, That the right to exclude from their territories seditious persons or others, whose presence may be dangerous to their peace, is essential to every independent State.

*Resolved*, That free negroes and persons of color are not citizens of the United States within the meaning of the Constitution, which confers upon the citizens of one State the privileges and immunities of citizens in the several States.

*Resolved*, That the emissary sent by the State of Massachusetts to the State of South-Carolina, with the avowed purpose of interfering with her institutions and disturbing her peace, is to be regarded in the character he has assumed, and to be treated accordingly.

*Resolved*, That his Excellency the Governor be requested to expel from our territory the said agent, after due notice to depart ; and that the Legislature will sustain the Executive authority in any measures it may adopt for the purpose aforesaid.

AND WHEREAS it was represented by the Hon. Samuel Hoar, in a communication addressed by him to the Secretary of the Commonwealth of Massachusetts, and at his request presented to the Executive thereof, who transmitted the same to both branches of the Legislature of that State, bearing date December 20th, 1844, that the said Samuel Hoar, subsequent to the passage of said resolutions by the Legislature of South-Carolina, was peremptorily and forcibly obstructed in the execution of the duties of his agency above specified, by the authorities of Charleston ; threatened with personal violence by some of the residents of that city, in case he should remain therein to discharge said duties ;

and finally expelled from and conducted out of said State, by many of her leading and distinguished citizens, against his will and in utter disregard of his protestations to the contrary, in defiance of the constitutional rights of himself and of the State he represented :

Therefore,

*Resolved*, (if the Senate concur,) That in the judgment of the Legislature of this State, the Commonwealth of Massachusetts has sustained, in these proceedings on the part of the Legislature of the State of South-Carolina, and of the local authorities of Charleston, a very gross indignity, as well as a violation of her most sacred rights : The object and purpose of the agency established by Massachusetts, to wit, the liberation of her citizens from unlawful incarceration and servitude, and the vindication of the immunities and privileges of her people as guaranteed by the Federal Constitution, were not only consistent with every obligation and duty which she as a member of our National Confederacy might owe to South-Carolina and her sister States, but to secure the accomplishment of that object and purpose she was powerfully impelled by the highest considerations of duty to herself as well as the country at large ; and in the prosecution of her noble design, she clearly conducted her proceedings with all due respect to the dignity as well as the constitutional rights of South-Carolina.

*Resolved*, That the Legislature of this State regard the passage of any law conflicting with the plain and palpable provisions of the Constitution of the United States, and affecting the personal liberties as well as the commercial interests of all or either of the States of the Union, as at all times and particularly at the present day to be deprecated, and worthy to be rebuked by the public sentiment of the country : That in our judgment the provision of the act of the Legislature of South-Carolina, passed December 29th, 1835, prohibiting any free negro or person of color from entering that State on board any vessel as cook, steward or mariner, or in any other employment on board thereof, and authorizing the sheriff of any district of said State in whose harbor or port such vessel may arrive, to apprehend and incarcerate such free negro or colored person until such vessel shall be ready to proceed to sea, conflicts with and directly violates section second of article fourth of the Constitution of the United States, which declares that "the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States ;" and also section eighth of article first of said Constitution, which empowers Congress "to regulate commerce with foreign nations and among the several States, and with Indian tribes : " That as a member of the American Confederacy, deeply interested in this matter, New-York is called upon to protest, and she hereby does most solemnly protest against the said law so as aforesaid enacted by South-Carolina ; declaring at the same time her deliberate conviction that the principles and proceedings held and adopted by the said State in this unpleasant and embarrassing controversy with Massachusetts, are utterly untenable and unjustifiable, as well as directly calculated to introduce and perpetuate discord and disorder among the States of the Union.

*Resolved*, That his Excellency the Governor of this State be re-



quested forthwith to transmit copies of the foregoing preamble and resolution to his Excellency the Governor of Massachusetts, to his Excellency the Governor of South-Carolina, and also to the chief executive officers of the several States of the Union.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Van Schoonhoven, and it was determined in the negative.

} AYES 47 }  
} NAYS 64 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Barber       | Mr. Giffard    | Mr. Raymond         |
| Mr. Betts        | Mr. G. Goold   | Mr. Russell         |
| Mr. Blake        | Mr. Gregory    | Mr. Sears           |
| Mr. Bloss        | Mr. Hammond    | Mr. Sherman         |
| Mr. Bowen        | Mr. Hannum     | Mr. A. C. Smith     |
| Mr. S. A. Brown  | Mr. Harris     | Mr. Spring          |
| Mr. Bush         | Mr. Heermans   | Mr. J. Stevenson    |
| Mr. Casner       | Mr. Horton     | Mr. Sweeney         |
| Mr. Chase        | Mr. Huntington | Mr. Thompson        |
| Mr. Coe          | Mr. Jarvis     | Mr. Tibbits         |
| Mr. Collins      | Mr. Johnson    | Mr. Van Schoonhoven |
| Mr. Comstock     | Mr. D. Lee     | Mr. Van Valkenburgh |
| Mr. C. F. Crosby | Mr. Litchfield | Mr. Walrath         |
| Mr. E. Crosby    | Mr. Long       | Mr. Wells           |
| Mr. Culver       | Mr. M'Vean     | Mr. White           |
| Mr. Dewey        | Mr. Mann       | Mr. Wilcox          |
| Mr. Edwards      | Mr. Mather     | Mr. Worden          |
| Mr. Fenn         | Mr. Morris     | Mr. Wyckoff         |
| Mr. Field        | Mr. Morrison   | Mr. Winant          |
| Mr. Fonda        | Mr. Moulton    | Mr. A. W. Young     |
| Mr. Frisbee      | Mr. Oakley     | Mr. J. Young        |
| Mr. Garretson    |                |                     |

47

Those who voted in the negative are

|                 |               |               |
|-----------------|---------------|---------------|
| Mr. Bachman     | Mr. D. Gould  | Mr. Pierce    |
| Mr. Bagg        | Mr. Hall      | Mr. Porter    |
| Mr. Bailey      | Mr. Harden    | Mr. Preston   |
| Mr. Bevens      | Mr. Hazelton  | Mr. Rogers    |
| Mr. Billings    | Mr. Hervey    | Mr. Ross      |
| Mr. J. Brooks   | Mr. Hine      | Mr. Sager     |
| Mr. M. Brooks   | Mr. Knapp     | Mr. Salisbury |
| Mr. Brower      | Mr. T. R. Lee | Mr. Searing   |
| Mr. L. H. Brown | Mr. M'Carthy  | Mr. Skelton   |



|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. A. H. Buell | Mr. M'Donald     | Mr. W. Smith        |
| Mr. Burdick     | Mr. M'Key        | Mr. Speaker         |
| Mr. Cameron     | Mr. C. B. Miller | Mr. R. L. Stevenson |
| Mr. Carpenter   | Mr. S. Miller    | Mr. Tefft           |
| Mr. Constant    | Mr. Newkirk      | Mr. Thayer          |
| Mr. Danforth    | Mr. Niven        | Mr. Titus           |
| Mr. Dickson     | Mr. Pardee       |                     |

64

Mr. M'Carthy offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That hereafter on Monday and Thursday in each week during the session, the afternoon sessions shall be devoted to the consideration of private claims.

*Ordered*, That the said resolution be laid on the table.

Mr. Wilcox gave notice that he would, at an early day, ask leave to introduce a bill, entitled "An act to condense and amend the several acts relating to the village of Waterford."

The House then proceeded to the consideration of the resolution heretofore offered by Mr. T. R. Lee, in the words following, to wit :

*Resolved*, That a committee of \_\_\_\_\_ be appointed by the Chair; and that all bills of a local or private nature, not opposed by petition, memorial or remonstrance, may, on motion, be referred to such committee to consider and report complete, except bills appropriating public monies.

Debates were had thereon ; when

Mr. T. R. Lee called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the negative.

Debates were again had, and continued until the arrival of the hour of twelve o'clock at noon ; when

The House took a recess until four o'clock this afternoon.

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#### FOUR O'CLOCK P. M.

The House again met.

The House again proceeded to the consideration of the resolution offered by Mr. T. R. Lee.

Debates were again had ; when

Mr. Hannum moved to lay the said resolution on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Hannum, and it was determined in the affirmative.

A message from the Senate, with the bills therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act to change the names of William George Thurber and Frederick Thurber ;" the bill entitled "An act to amend the law in relation to suits against foreign corporations," and the bill entitled "An act to incorporate the Schenectady Reference Library Company," and request the concurrence of the Assembly in the same.

The said bills were severally read the first time, and by unanimous consent were also read a second time, and the bill entitled "An act to change the names of William George Thurber and Frederick Thurber," and the bill entitled "An act to amend the law in relation to suits against foreign corporations," were referred to the committee on the judiciary; and the bill entitled "An act to incorporate the Schenectady Reference Library Company," was referred to the committee on colleges, academies and common schools.

Mr. Horton offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the late president of the New-York State Agricultural Society, be, and he is hereby requested to transmit to this House the transactions of said society for 1844, and the accompanying documents; and that the Clerk transmit a copy of this resolution to said officer.

*Ordered*, That the said resolution be laid on the table.

Mr. Tefft gave notice that he would, at an early day, ask leave to introduce a bill, providing a method for the payment of taxes in the several towns in this State, and to abolish the office of town collector.

On motion of Mr. Wheeler,

*Resolved*, That the bill for the aid of the New-York dispensaries for the sick poor, be referred to the committee on charitable and religious societies, to report complete.

Mr. C. F. Crosby offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill for the relief of the devisee of William Vyse, be taken from the general orders, and referred back to the committee, with instructions to report complete.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the negative.

On motion of Mr. Morrison,

*Resolved*, That the bill for the construction of the New-York and Newhaven railroad be referred to the committee on railroads, without losing its place on the general orders.

On motion of Mr. D. Lee,

*Resolved*, That the bill authorising the supervisors of Erie county to raise money by tax to build a work-house in said county, be taken from the general orders, and referred to the delegates from said county, to report complete.

Mr. Edwards gave notice that he would, at some future day, introduce a bill, compelling all incorporated railroad companies to carry passengers for a price not exceeding three cents per mile.

The House then proceeded to the consideration of the resolution heretofore offered by Mr. Bailey, in the words following, to wit :

*Resolved*, That the president, vice-president and secretary of the Long Island Railroad Company be requested to furnish to this House, under oath, without delay, replies to the following interrogations :

1. What is the amount of capital authorised in the acts relating to the Long Island Railroad Company?

2. What is the number of shares issued to this date of Long Island Railroad Company, and the number of shares unissued in the hands of the company, and what is their par value?

3. How many shares of the capital stock of the Long Island Railroad Company continue in the possession of the original subscribers to the same, and what are the names of the stockholders and the number of shares owned by each at the last and previous annual election of directors ; also the number of shares, and the names and residence of the stockholders, on the fourth day of March, 1845 ?

4. What number of shares and bonds, and the amount of each that have been issued in the purchase of steamboats, and to whom issued, the amount of purchase, and under what authority are they issued, to connect a ferry with the railroad company by a steamboat association ?

5. Did or did not about two thousand shares of the stock of the Long Island Railroad Company, which was forfeited, come into the hands of the said company ; if so, how much was paid by the original subscribers, and has the balance ever been paid in ; if so, by whom ? Has not the company since sold the forfeited stock ; if so, to whom, and at what prices, and at what times ?

6. Has the stock or bonds of the company been issued to contractors at prices under their par value ; or have enhanced prices for work been obtained by contractors, for taking in part this mode of payment ?

7. At what rate do the bonds of the Long Island Railroad Company now sell in the market ; and what is the lowest rate, within your knowledge, they have sold at ?

8. What is the amount, up to this date, of the last annual report of the Long Island Railroad Company, of the cash payments made to the contractors for the tunnel in Brooklyn, distinguishing between penalties imposed on the contractors on an alleged non-performance of contract, and the cash paid to them, or bonds, as the case may be ; how much is still due to the contractors at this date ; and how much retained as penalties, and charged as cash paid ?

9. What claims have been made on the Long Island Railroad Company, and suits commenced for work done ; and what damages, if any, are claimed, alleged to have been occasioned by the locomotives, for destroying and burning over timber lands ?

10. What claims, and by whom made on the Long Island Railroad Company, for damages to houses, streets and business on the same, alleged to have been incurred by the construction of the tunnel in Brooklyn ?

11. What is the total indebtedness of the Long Island Railroad Company at the present time ; the names of the creditors ; and the amount due to each, and when payable ?

12. Did the Long Island Railroad Company make their annual reports in due form of law, and under oath, to the Secretary of State, for the years 1844 and 1845 ? If not, state the reason why, and furnish the report for each year, in conformity to law and agreeable to resolutions passed by the Legislature, duly attested by the oaths of the proper officers.

13. Have not the directors (or a part of them) of the Long Island Railroad Company been very largely engaged in speculating in the stock of the company ; and do they not, at this time, directly or indirectly own the majority of the stock ; and has not new stock been issued and hypothecated to aid these stockjobbing operations ?



Mr. Bailey moved to refer the said resolution to a select committee.

Mr. Huntington moved to lay the said motion of Mr. Bailey on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Huntington, and it was determined in the negative.

Mr. Constant moved to refer the said resolution to the committee on railroads.

Debates were had thereon ; when

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Constant, and it was determined in the affirmative.

Mr. Van Valkenburgh offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the resolution submitted to this House, on the subject of closing the locks on the Sabbath, with the amendment of Mr. Van Valkenburgh, be the special order of the day for twelve o'clock at noon on Wednesday next.

*Ordered*, That the said resolution be laid on the table.

On motion of Mr. Wyckoff,

*Resolved*, That the bill to incorporate the Brooklyn City Hospital, be referred back to the committee on medical societies and medical colleges, to report complete.

Mr. Danforth gave notice that he would, at an early day, ask leave to introduce a bill, making the stockholders in the several incorporated companies in this State, liable for the debts of said companies, to the full amount of their individual property, real and personal.

The House then proceeded to the consideration of the resolution heretofore offered by Mr. Mather, in the words following, to wit :

*Resolved*, That bills numbers 147 and 148 be referred to a select committee of one from each senatorial district, with instructions to such committee to report, at an early day, which of the provisions in each they shall deem proper to become a law ; and what (if any) amendments should be made in such provisions, as they exist in said bills, in order to make a perfect act ; and that said bills retain their present place on the general orders.

Mr. Sweeney moved to amend the said resolution, by striking out all after "148," and inserting the words "be made the special order for Thursday next, at four o'clock in the afternoon."

The question recurred on the amendment offered by Mr. Sweeney.

Debates were had thereon ; when

Mr. Blake called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Whereupon,

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. S. A. Brown gave notice that he would ask leave to introduce a bill, on petition, to give to the supreme court commissioners of the county of Chautauque the powers of common pleas judges at chambers.



The House then proceeded to the consideration of the resolution heretofore offered by Mr. Harris, in the words following, to wit :

*Resolved*, That the bill authorising the extension of the docks in the city of Albany south of Hamilton-street, be restored to its original place upon the general orders.

Mr. Harris moved to amend the said resolution, so as to refer the said bill to the committee on the internal affairs of towns and counties, with instructions to report complete.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Harris, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to the said resolution, as amended, and it was determined in the affirmative.

The House then proceeded to the consideration of the resolution heretofore offered by Mr. Fonda, in the words following, to wit :

*Resolved*, That the Secretary of State and Surveyor General are hereby requested to furnish the committee on grievances with the proper information relative to the records, papers, maps and surveys, that have been made upon the Indian deed to William Smith junior, and others ; and to whom the said lands have been conveyed prior to 1776 ; and if any part has been conveyed by this State ; and report the same to this house, as the circumstances of the case will permit.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. M'Carthy offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill entitled "An act to amend an act in relation to the charter of the village of Salina," be taken from the general orders, and ordered to a third reading.

*Ordered*, That the said resolution be laid on the table.

Mr. Horton offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill on the general orders, providing for the construction of a railroad from the navigable waters of the Great Western lakes to Lake Champlain, be taken therefrom, and referred to the committee on railroads, to report complete.

Mr. Oakley moved to lay the said resolution on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Oakley, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Worden gave notice that he would, at a future day, ask leave to introduce a bill to promote the education and moral improvement of minors employed in navigating the canals of this State.

On motion of Mr. Coe, the order of business of "Motions, resolutions and notices," was passed over.

Mr. J. Young moved that the House adjourn.

Mr. Speaker put the question whether the House would agree to the said motion, and it was determined in the negative.

The House then again resolved itself into a committee of the whole,

on the bill entitled "An act to punish seduction and adultery, and for other purposes;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Spring, from the said committee, reported, that the committee had had under consideration the said bill, and reconsidered the vote on striking out all after the enacting clause of the bill entitled "An act to punish seduction and adultery as crimes," and had reinstated the same; and without having gone through with the said bills, had directed their chairman to report the same to the house.

Mr. J. Young moved to refer the said bills, and all amendments offered thereto in committee of the whole, to a select committee, with instructions to report complete.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. J. Young, and it was determined in the affirmative.

On motion of Mr. Morris,

The House then adjourned to ten o'clock to-morrow morning.

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## SATURDAY, MARCH 22, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Saxe.

The minutes of yesterday having been read,

Mr. Mather moved to amend the same, by striking out so much as relates to the final passage of the bill entitled "An act to amend and renew the act to provide for the construction of a railroad from Oswego to Syracuse, passed April 29th, 1839," and inserting the words following, to wit:

The bill entitled "An act to amend and renew an act to provide for the construction of a railroad from Oswego to Syracuse, passed April 29th, 1839," came up for third reading; and the question having been stated by the Speaker, the Clerk proceeded to call the names of the members in alphabetical order, and record their votes for and against the same; and having thus proceeded to the names of members beginning with the letter D, Mr. Young, of Livingston county, proposed an amendment to said bill, which was adopted without objection; and thereupon, without stating the question anew, the Speaker directed the Clerk to proceed with the call, which was done. The number of votes so taken before such amendment was proposed, was twenty-seven in favor of said bill, and one against it; the number so taken after such amendment, was eighty-two in favor of the bill, as it had been first stated by the Speaker, and none against it. The question on the final passage of the bill, as amended during the taking of the vote, was not put.

Debates were thereupon had; when

Mr. Skelton called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Whereupon,

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Mather, and it was determined in the negative.

The said minutes were then approved.

A petition praying for the collection of statistics of crime arising from intemperance, and to make each town liable for the expense of preserving peace within the same, was read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the village of Rome in the county of Oneida, praying for the appointment of an additional supreme court commissioner to reside at said village, was read, and referred to the committee on the judiciary.

The petition of eighteen members of the bar of the village of Lockport in the county of Niagara, praying for the passage of a law to abolish the office of supreme court commissioner for said county, was read, and referred to the committee on the judiciary.

The petition of seventeen members of the bar of the village of Lockport in the county of Niagara, praying for the passage of a law authorising the supreme court commissioner of said county to perform certain duties of a judge of the county courts, was read, and referred to the committee on the judiciary.

The petition of E. G. R. Smith, praying that his name may be changed or confirmed to Smith E. G. Rawson, was read, and referred to the committee on the judiciary.

The remonstrance of sundry inhabitants of the county of Cattaraugus, against the erection of the new county of Schuyler, was read, and referred to the committee on the erection and division of towns and counties.

The petition of sundry inhabitants of the city of Rochester, praying for the construction of a plank road from Albany to Buffalo, by convict labor, was read, and referred to the committee on state prisons.

Two several remonstrances of sundry inhabitants of the counties of Erie and Lewis, against the passage of a law requiring the banks to redeem their notes at par in the cities of New-York and Albany, were read, and referred to the committee on banks and insurance companies.

The remonstrance of sundry inhabitants of the city of Rochester, against the passage of a law requiring par redemptions in the city of New-York, was read, and referred to the committee on banks and insurance companies.

The petition of sundry inhabitants of the town of Homer in the county of Cortland, praying for the passage of a law to abolish the office of town collector, was read, and referred to the committee on the internal affairs of towns and counties.

The petition of sundry inhabitants of the county of Wayne, praying for the passage of a law to restore the distinction between town and county poor in said county, was read, and referred to the committee on the internal affairs of towns and counties.



The petition of sundry inhabitants of the town of Minerva in the county of Essex, praying for the passage of a law to abolish the office of county superintendent of common schools, was read, and referred to the committee on colleges, academies and common schools.

The memorial of the board of education of the county of Kings, praying for the passage of a law to grant a portion of the Common School Fund to the colored children, was read, and referred to the committee on colleges, academies and common schools.

Two several remonstrances of sundry inhabitants of the counties of Wyoming and Washington, against the repeal of the law creating the office of county superintendent of common schools, were read, and referred to the committee on colleges, academies and common schools.

The petition of John P. Yates of the county of Montgomery, praying for relief, was read, and referred to the committee on claims.

Six several petitions of sundry inhabitants of the counties of Chautauque, Erie and Cattaraugus, praying for the passage of a law to protect the revenue of the Erie Canal against the competition of the Welland Canal, were read, and referred to the committee on canals.

Four several petitions and resolutions of sundry inhabitants of the towns of Leyden in the county of Lewis, and Boonville in the county of Oneida, praying for the immediate completion of the Black River Canal, were read, and referred to the committee on canals.

Two several remonstrances of sundry inhabitants of the counties of Oswego and St. Lawrence, against the adoption of a discriminating system of tolls on the Erie and Oswego canals, were read, and referred to the committee on canals.

The remonstrance of George Howe and others, against increasing the toll on packet boats ; against the repeal of the existing law, which, in certain cases, gives to them the preference in passing freight boats ; and against the closing of the canal locks on Sunday, was read, and referred to the committee on canals.

The remonstrance of sundry inhabitants of the county of Oneida, against permitting the railroads running parallel with the Erie canal to carry freight, was read, and referred to the committee on canals.

The petition of sundry inhabitants of the city of Buffalo, praying for a reduction of tolls on mineral coal going east on the Erie canal, was read, and referred to the committee on canals.

Two several petitions of Susan Floyd and Phebe Watson, aliens, praying for relief, were read, and referred to a select committee.

Eight several petitions of sundry inhabitants of the counties of New-York, Sullivan, Orange and Ulster, praying for the passage of a law allowing the New-York and Erie Railroad Company to locate certain portions of their road in the State of Pennsylvania, were read, and referred to the committee of the whole when on the bill upon that subject.

Nine several remonstrances of sundry inhabitants of the counties of Montgomery, Orange, Otsego, Ulster and Chenango, against running any portion of the New-York and Erie railroad into the State of Pennsylvania, were read, and referred to the committee of the whole when on the bill upon that subject.

Two several petitions of boatmen and sundry inhabitants of the vil-



lage of West-Troy and of the county of Clinton, praying that the locks may be closed on the Sabbath, were read, and referred to the committee of the whole when on the bill upon that subject.

Two several remonstrances of sundry inhabitants of the towns of Shawangunk and New-Paltz in the county of Ulster, against the erection of a new town from parts of said towns, were read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Ontario, praying for the incorporation of a company to construct a railroad from the village of Canandaigua in said county, to the village of Corning in the county of Steuben, was read, and referred to the committee of the whole when on the bill upon that subject.

A resolution adopted at the town meeting held in the town of Greene in the county of Chenango, remonstrating against any division of said county, was read, and referred to the committee of the whole when on the bill upon that subject.

Mr. Sears, from the committee on canals, to which was referred the engrossed bill from the Senate, entitled "An act for the relief of Jason C. Osgood and Daniel F. Kellogg of the county of Madison," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Raymond, from the committee on the erection and division of towns and counties, to which was referred the several petitions and remonstrances relative to annexing a part of the town of Canajoharie to the town of Root in the county of Montgomery, reported unfavorably to the prayer of the petitioners, and offered the following resolution :

*Resolved*, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Russell, from the committee on the judiciary, to which was referred the petition of the trustees of the St. Regis Indians, praying for the passage of an act restoring to them certain islands in the River St. Lawrence, or making them an adequate remuneration therefor, reported unfavorably to the prayer of the petitioners, and offered the following resolution, to wit :

*Resolved*, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was recommitted the bill entitled "An act to extend the docks in the city of Albany south of Hamilton-street," with instructions to report complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the petition of W. Hitchcock and others, for the incorporation of the Cherrycreek Union Burying Society, re-

ported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Chase accordingly brought in the said bill, entitled "An act to incorporate the Cherrycreek Union Cemetery Society;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the petition of the firemen of the village of Glenfalls in the county of Washington, praying for the passage of an act to increase the number of said firemen, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Chase accordingly brought in the said bill, entitled "An act to increase the number of firemen in the village of Glenfalls;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the petition of sundry inhabitants of the county of Cattaraugus, praying for the passage of an act to authorise the establishment of a ferry across the Allegany river, reported unfavorably to the prayer of the petitioners, and offered the following resolution:

*Resolved*, That the committee on the internal affairs of towns and counties be discharged from the further consideration of the petition for the establishment of a ferry across the Allegany river.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Chase, from the committee on the erection and division of towns and counties, to which was referred the petition of sundry inhabitants of the county of Ulster, praying for the erection of a new town in the said county, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Chase accordingly brought in the said bill, entitled "An act to erect the town of Gardiner in the county of Ulster;" which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. Hine,

*Ordered*, That the said bill be laid on the table.

Mr. Coe, from the committee on canals, to which was recommitted the bill entitled "An act to provide for the removal of cases decided by the Canal Board, to the Supreme Court, by certiorari," reported in writing, and concluded by recommending that the said bill, as amended by said committee, be passed into a law.

[See Document No. 195.]

On motion of Mr. Coe,

*Ordered*, That the said bill be committed to a committee of the whole house, and retain its former place on the general orders.

Mr. Van Valkenburgh, from the committee on railroads, to which

was referred the bill entitled "An act to provide for the construction of a railroad from the navigable waters of the Great Western lakes to Lake Champlain," with instructions to report the same complete, reported, that the committee had gone through the said bill, and made sundry amendments thereto, and saw no reason why the said bill, as amended, should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Van Valkenburgh, from the committee on railroads, to which was referred the bill entitled "An act relative to the New-York and Newhaven Railroad Company," reported, that the committee had examined the said bill, and made sundry amendments thereto, and saw no reason why the same should not be passed into a law.

*Ordered,* That the said bill be committed to a committee of the whole house, and retain its place on the general orders.

Mr. A. W. Young, from the committee on colleges, academies and common schools, to which was referred the petition of the trustees of Stillwater Academy, praying for the passage of an act authorising a loan of money, reported unfavorably to the prayer of the petitioners, and offered the following resolution, to wit :

*Resolved,* That the committee on colleges, academies and common schools, be discharged from the further consideration of the petition of the trustees of Stillwater Academy.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. A. W. Young, from the committee on colleges, academies and common schools, to which was referred the bill entitled "An act to amend an act entitled 'An act more effectually to provide for common school education in the city and county of New-York,' passed May 7th, 1844," reported, that the committee had examined the said bill, and made sundry amendments thereto, and saw no reason why the said amended bill should not be passed into a law.

*Ordered,* That the said bill be committed to a committee of the whole house.

Mr. D. Lee, from the committee on medical societies and colleges, to which was referred the bill entitled "An act to incorporate the Brooklyn City Hospital," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Morrison, from the committee on railroads, to which was referred the several petitions relative to the reduction of the fare upon railroads, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Morrison accordingly brought in the said bill, entitled "An act to regulate the fare of passengers conveyed on certain railroads in this State ;" which was read the first time, and by



unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. S. Miller, from the committee on colleges, academies and common schools, to which was referred the engrossed bill from the Senate, entitled "An act for the relief of the trustees of school district number eleven in the town of Otselic, Chenango county," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Ross, from the committee on the incorporation of cities and villages, to which was referred the petition of sundry inhabitants of the village of Canton in the county of St. Lawrence, for the incorporation of said village, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Ross accordingly brought in the said bill, entitled "An act to incorporate the village of Canton," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. J. Brooks, from the committee on the erection and division of towns and counties, to which was referred the several petitions and remonstrances relative to the division of the town of Cicero in the county of Onondaga, reported unfavorably to the prayer of the petitioners, and offered the following resolution, to wit :

*Resolved*, That the committee on the erection and division of towns and counties be discharged from the further consideration of the petitions for a division of the town of Cicero.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

By unanimous consent, and

In pursuance of previous notice, Mr. Harris asked for and obtained leave to bring in a bill, entitled "An act for the collection of taxes in the city of Albany;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the internal affairs of towns and counties.

Mr. Frisbee, from the committee on roads and bridges, to which was referred the petition of sundry inhabitants of the town of Clymer in the county of Chautauque, praying for the passage of an act relative to Big Brokenstraw creek, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Frisbee accordingly brought in the said bill, entitled "An act declaring a part of the Big Brokenstraw creek a public highway;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. D. Lee, from the committee on agriculture, to which was referred the petition of sundry inhabitants of the county of Oneida, praying for the passage of an act prohibiting the sale of sheep's pelts without scalps and ears, reported unfavorably to the prayer of the petitioners, and offered the following resolution, to wit :



*Resolved*, That the committee on agriculture be discharged from the further consideration of the petition for the prohibition of the sale of sheep's pelts without the scalps and ears.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. L. H. Brown, from the committee on colleges, academies and common schools, to which was referred the engrossed bill from the Senate, entitled "An act to prevent the disturbance of evening schools in the several school district-houses in this State," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Sears, from the committee on canals, to which was referred the petition of sundry inhabitants of the counties of Oneida and Madison, praying for the passage of an act authorising the laying out of a highway adjoining the Chenango canal, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Sears accordingly brought in the said bill, entitled "An act for the laying out of a highway along the Chenango canal, from the Cherryvalley turnpike, to the Oriskany falls;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Sears, from the committee on canals, to which was referred the petition of Calvin T. Chamberlain, for relief, reported in writing, and concluded by asking leave to bring in a bill.

[See Document No. 192.]

Leave being granted, Mr. Sears accordingly brought in the said bill, entitled "An act for the relief of Calvin T. Chamberlain;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. D. Lee, from the committee on agriculture, to which was referred the petition of Daniel T. Moseley and others, for the incorporation of the Skaneateles Industrial Community, reported unfavorably to the prayer of the petitioners, and offered the following resolution, to wit :

*Resolved*, That the committee on agriculture be discharged from the further consideration of the petition of Daniel T. Moseley and others.

On motion of Mr. J. Young,

*Ordered*, That the said resolution be laid on the table.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act to authorise and direct the holding of a special town meeting in the town of Laurens in the county of Otsego," with the amendments accompanying the same.

The said amendments having been read,

Mr. Carpenter moved that the House do concur with the Senate in their amendments to the said bill.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Carpenter, and it was determined in the affirmative.

*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred with them in the said amendments, and amended the bill accordingly.

Mr. D. Lee, from the select committee to which was referred the bill entitled "An act authorising the board of supervisors of Erie county to borrow five thousand dollars, for erecting a work-house," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

In pursuance of a special order,

The House then resolved itself into a committee of the whole, on the bill entitled "An act to authorise Charles Shepherd and others to connect a slip and basin with the Dansville sidecut of the Genesee Valley canal;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Howard, from the said committee, reported progress, and asked for and obtained leave to sit again.

On motion of Mr. J. Young,

*Ordered*, That the said bill be made the special order for Monday next at eleven o'clock.

A message from the Senate, with the bills therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act to erect the town of Chester in the county of Orange;" the bill entitled "An act for the preservation of fish in the Hudson river;" and the bill entitled "An act to provide for building a bridge over the Seneca river, and between the towns of Salina and Lysander in the county of Onondaga," severally without amendment.

*Ordered*, That the Clerk deliver the said bills to the Governor.

A message from the Senate, with the bill therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act in relation to carrying the United States mail on railroads."

The said bill was read the first time, and by unanimous consent was also read a second time, and referred to the committee on railroads.

The Senate examined and returned the bill entitled "An act to authorise and direct the holding of a special town meeting in the town of Laurens in the county of Otsego."

*Ordered*, That the Clerk deliver the said bill to the Governor.

By unanimous consent,

Mr. Skelton offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the use of the Assembly chamber be granted to Josiah Holbrook, this evening, for the purpose of exhibiting specimens of drawing, and presenting a plan for scientific exchanges; and that the officers of the house be requested to see that the seats of the house be reserved for the members.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

On motion of Mr. M. Brooks,

The House then adjourned to ten o'clock on Monday morning next.

## MONDAY, MARCH 24, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Spicer.

The minutes of Saturday were read and approved.

The petition of sundry inhabitants of the county of Monroe, praying for the passage of a law authorising the trustees of school districts to levy taxes without respect to the assessment rolls of the town, was read, and referred to the committee on the judiciary.

The remonstrance of sundry inhabitants of the county of Tompkins, against the passage of a law requiring par redemptions in Albany and New-York, was read, and referred to the committee on banks and insurance companies.

The remonstrance of sundry inhabitants of the county of Orleans, against the adoption of any discriminating system of canal tolls, was read, and referred to the committee on canals.

Seven several petitions of sundry inhabitants of the counties of Allegany, Erie and Steuben, praying for the adoption of a discriminating system of canal tolls, were read, and referred to the committee on canals.

Three several petitions of sundry inhabitants of the counties of Oneida, Lewis and Jefferson, praying for the completion of the Black River canal, were read, and referred to the committee on canals.

Two several petitions of sundry inhabitants of the counties of Monroe and Oswego, praying for the repeal of the law allowing railroad companies to carry freight, were read, and referred to the committee on canals.

The resolutions adopted at a meeting of sundry inhabitants residing within the bounds of the proposed new county of Schuyler, in favor of the erection of such county, were read, and referred to the committee on the erection and division of towns and counties.

The petition of sundry inhabitants of the town of Virgil in the county of Cortland, praying for a division of said town, was read, and referred to the committee on the erection and division of towns and counties.

The petition of sundry inhabitants of the city of New-York, praying for the incorporation of a company to construct a railroad from the city of Schenectady to the village of Catskill, was read, and referred to the committee on canals.

The petition of sundry inhabitants of the county of Warren, praying for a reduction of town and county expenses, was read, and referred to the committee on the internal affairs of towns and counties.

The petition of Calvin Burr of the county of Tompkins, and another, praying for the passage of a law to legalize the acts of an alien, was read, and referred to the committee on the petitions of aliens.

Four several remonstrances of sundry inhabitants of the counties of Chautauque, Chenango and Genesee, against abolishing the office of county superintendent of common schools, were read, and referred to the committee on colleges, academies and common schools.



The memorial of the trustees of Fairfield Academy, praying for relief, was read, and referred to the committee on colleges, academies and common schools.

The remonstrance of sundry inhabitants of the town of Littlefalls in the county of Herkimer, against levying a tax on said town for academic purposes, was read, and referred to the committee on colleges, academies and common schools.

The petition of sundry inhabitants of the county of Livingston, praying for the passage of a law to submit the question of license to the people, was read, and ordered to be laid on the table.

The petition of sundry inhabitants of the county of Allegany, praying for the passage of a law to graduate the fees for inspection of lumber according to its quality, was read.

Mr. Collins moved to refer the said petition to a select committee.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Collins, and it was determined in the affirmative.

Twelve several remonstrances of sundry inhabitants of the counties of Otsego, Broome and Chenango, against allowing the New-York and Erie Railroad Company to locate any portion of their road in the State of Pennsylvania, were read, and referred to the committee of the whole when on the bill upon that subject.

Three several petitions of sundry inhabitants of the counties of Steuben and New-York, praying that the New-York and Erie Railroad Company may be permitted to locate certain portions of their road in the State of Pennsylvania, were read, and referred to the committee of the whole when on the bill upon that subject.

Two several remonstrances of sundry inhabitants of the counties of Ontario and Seneca, against the passage of an act to amend the charter of the Auburn and Rochester Railroad Company, were read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Livingston, praying for a reduction of railroad fare, was read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Ontario, praying for the incorporation of a company to construct a railroad from Canandaigua to Corning, was read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of sundry inhabitants of the county of Chenango, against any division of the said county, was read, and referred to the committee of the whole when on the bill upon that subject.

The Chair announced the appointment of a select committee on the bills and amendments relative to punishing seduction and adultery, to consist of Mr. J. Young, Mr. Comstock, Mr. Harris, Mr. Morrison and Mr. Danforth; and also of a select committee on the petitions relative to the case of Thomas W. Dorr of the State of Rhode-Island, to consist of Mr. M'Key, Mr. Wheeler, Mr. Morris, Mr. Sager, Mr. Hazelton, Mr. L. H. Brown, Mr. M'Carthy and Mr. Bush.

By unanimous consent,

Mr. Hine offered for the consideration of the House a resolution, in the words following, to wit:



*Resolved*, That the bill for a division of the town of New-Paltz be recommitted to the committee on the erection and division of towns and counties, and that they report the same complete.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

By unanimous consent,

Mr. Sears, from the majority of the committee on canals, to which was referred the several petitions relative to equalizing the tolls on the Erie and Oswego canals, reported in writing, and concluded by offering the following resolution, to wit :

*Resolved*, That the committee on canals be discharged from the further consideration of the petitions for the equalization of the tolls on the Erie and Oswego canals.

[*See Document No. 189.*]

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

By unanimous consent,

Mr. Raymond offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill reported to this House, relative to the town of Gardiner, and which, on motion of Mr. Hine, was laid on the table, be referred back to the committee on the erection and division of towns and counties, to report complete.

*Ordered*, That the said resolution be laid on the table.

By unanimous consent,

Mr. Coe, from the minority of the committee on canals, to which was referred the several petitions relative to equalizing the tolls on the Erie and Oswego canals, asked for and obtained leave to submit a report in writing, which concluded by offering the following resolution :

*Resolved*, (if the Senate concur,) That the Canal Board be directed so to equalize the tolls on all property passing to and from tide water and Lake Erie, on the Erie and Oswego canals, that the Oswego route shall not have the advantage over the Erie canal route of more than twelve and a half per cent upon the tolls paid ; and for that purpose, said board shall take into consideration the tolls charged on the Welland canal : It shall be discretionary with the Canal Board to equalize said tolls on the opening of the navigation, or in the month of July next.

[*See Document No. 190.*]

On motion of Mr. Coe,

*Ordered*, That the said resolution be made the special order for the third day of April next.

The hour of eleven o'clock having arrived,

The House, in pursuance of a special order, again resolved itself into a committee of the whole, on the bill entitled "An act to authorise Charles Shepherd and others to connect a slip and basin with the Dansville sidecut of the Genesee Valley canal ;" and after some time

spent thereon, Mr. Speaker resumed the chair, and Mr. Howard, from the said committee, reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
Albany, March 22, 1845. }

TO THE ASSEMBLY.

I have this day approved and signed the bill entitled "An act for the preservation of fish in the Hudson river."

The bill the bill entitled "An act to erect the town of Chester in the county of Orange."

And also the bill entitled "An act to provide for building a bridge over the Seneca river, between the towns of Salina and Lysander in the county of Onondaga."

SILAS WRIGHT.

The report of the Canal Board, in answer to a resolution of the Assembly, referring to said board the petition of sundry inhabitants of the town of Verona in the county of Oneida, in relation to a towing path on Fish creek, was received and read.

[See Document No. 193.]

*Ordered*, That the said report be referred to the committee on canals.

The House then again resolved itself into a committee of the whole, on the bill entitled "An act amendatory of the acts in relation to the election and terms of office of town assessors and commissioners of highways;" on the bill entitled "An act to incorporate the New-York State Insurance Company in the city of New-York;" and on the bill entitled "An act to amend an act entitled 'An act for the relief of Robert Gere and Philo C. Weaver,' passed May 2d, 1844;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Chase, from the said committee, reported, that the committee had gone through the bill entitled "An act amendatory of the acts in relation to the election and terms of office of town assessors and commissioners of highways," made sundry amendments thereto, and agreed to the same; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. Chase, from the same committee, reported, that the committee had had under consideration the bill entitled "An act to incorporate the New-York State Insurance Company," and made some progress therein; but not having gone through the same, had directed him to report progress, and ask for leave to sit again.

Mr. Speaker put the question whether the House would grant the committee of the whole leave to sit again on the said bill, and it was determined in the affirmative.

Mr. Chase, from the same committee, reported, that the committee had gone through the bill entitled "An act to amend an act entitled 'An act for the relief of Robert Gere and Philo C. Weaver,' passed May 2d, 1844," made sundry amendments thereto, and agreed to the same; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

By unanimous consent,

Mr. Russell moved that the bill imposing penalties for procuring abortion, be taken from the general orders, and referred to the select committee on the subject of licentiousness, with instructions to report complete.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Russell, and it was determined in the affirmative.

The hour of two o'clock having arrived,

The House took a recess until four o'clock this afternoon.

#### FOUR O'CLOCK P. M.

The House again met.

The House then resolved itself into a committee of the whole, on the bill entitled "An act for the relief of Eleanor F. Wors, widow of John F. Wors, an alien, deceased;" on the bill entitled "An act appointing a commissioner to transcribe certain mortgages for loans in Tioga county," and on the bill entitled "An act for the relief of Arunah M. Adsit and others;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. M'Carthy, from the said committee, reported, that the committee had gone through the bill entitled "An act for the relief of Eleanor F. Wors, widow of John F. Wors, an alien, deceased," and agreed to the same without amendment; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. M'Carthy, from the same committee, reported, that the committee had gone through the bill entitled "An act appointing a commissioner to transcribe certain mortgages for loans in Tioga county," and agreed to the same without amendment; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. M'Carthy, from the same committee, reported, that the committee had gone through the bill entitled "An act for the relief of Arunah M. Adsit and others," made sundry amendments thereto, and agreed to the same; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

The House then resolved itself into a committee of the whole, on the bill entitled "An act for the relief of the religious incorporation or society, known as the incorporation of the Berean Baptist Church in the city of New-York;" on the bill entitled "An act for the relief of Thomas Wheeler and Harvey Alvord, administrators, etc. of John Jacob Mang, deceased;" and on the bill entitled "An act to confirm the title to certain real estate in the widow of James Buckner, late of the county



of Montgomery, an alien, deceased ;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Thompson, from the said committee, reported, that the committee had gone through the bill entitled "An act for the relief of the religious incorporation or society, known as the incorporation of the Berean Baptist Church in the city of New-York," and agreed to the same without amendment ; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. Thompson, from the same committee, reported, that the committee had gone through the bill entitled "An act for the relief of Thomas Wheeler and Harvey Alvord, administrators, etc. of John Jacob Mang, deceased," and agreed to the same without amendment ; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. Thompson, from the same committee, reported, that the committee had gone through the bill entitled "An act to confirm the title to certain real estate in the widow of James Buckner, late of the county of Montgomery, an alien, deceased," made sundry amendments thereto, and agreed to the same ; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

The House then resolved itself into a committee of the whole, on the bill entitled "An act to incorporate a manufacturing company at Leeds in Catskill, Greene county ;" on the bill entitled "An act in relation to the construction of the New-York and Erie railroad ;" and on the engrossed bill from the Senate, entitled "An act for the relief of Timothy Eddy ;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. M. Brooks, from the said committee, reported, that the committee had gone through the bill entitled "An act to incorporate a manufacturing company at Leeds in Catskill, Greene county," made sundry amendments thereto, and agreed to the same ; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. M. Brooks, from the same committee, reported progress on the bill entitled "An act in relation to the construction of the New-York and Erie railroad," and asked for and obtained leave to sit again.

Mr. M. Brooks, from the same committee, reported, that the committee had gone through the engrossed bill from the Senate, entitled "An act for the relief of Timothy Eddy," and agreed to the same without amendment ; which report was agreed to by the house, and the bill ordered to a third reading.

The Chair announced the appointment of a select committee on the bill entitled "An act recommending a Convention of the People of this State in 1846," to consist of Mr. Crain, Mr. Wheeler, Mr. Bailey, Mr. Sager, Mr. Comstock, Mr. M'Key, Mr. Pierce and Mr. Bowen.

On motion of Mr. Morrison,

The House then adjourned to ten o'clock to-morrow morning.



## TUESDAY, MARCH 25, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Scudder.

The minutes of yesterday were read and approved.

Two several petitions of sundry inhabitants of the county of Otsego, praying for the passage of a law requiring banks to redeem their notes at par in the cities of New-York and Albany, were read, and referred to the committee on banks and insurance companies.

Three several petitions of sundry inhabitants of the counties of St. Lawrence and Schoharie, praying for the construction of the Black River canal, were read, and referred to the committee on canals.

The petition of Mary Hale of the county of Oneida, an alien, praying for relief, was read, and referred to the committee on the petitions of aliens.

The petition of Samuel F. Gelson of the county of Erie, praying for relief on account of canal damages, was read, and referred to the committee on claims.

The petition of sundry inhabitants of the counties of Albany and Rensselaer, praying for the passage of a law authorising the building of a bridge across the Hudson river at the city of Albany, was read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the county of Queens, praying for the passage of a law respecting roads and fences, was read, and referred to the committee on roads and bridges.

The remonstrance of sundry inhabitants of the county of Rensselaer, against any alteration of the law relating to a toll-gate on the Berlin and Pøstenkill turnpike road, was read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the county of Herkimer, praying for the passage of a lien law for the protection of mechanics, was read, and referred to the committee on trade and manufactures.

The petition of sundry inhabitants of the county of Queens, praying for an alteration in the dog law of said county, was read, and referred to the committee on the internal affairs of towns and counties.

The petition of sundry inhabitants of the county of Onondaga, praying for the passage of a law to abolish the office of town and school district collector, was read, and referred to the committee on colleges, academies and common schools.

The remonstrance of sundry inhabitants of the county of Chautauque, against abolishing the office of county superintendent of common schools, was read, and referred to the committee on colleges, academies and common schools.

The petition of the judges and members of the bar of the eighth judicial district, praying that the powers of masters in chancery to sell property may be confined to the county for which they are respectively appointed, was read, and ordered to be laid on the table.

The petition of sundry colored citizens of the town of Watervliet in the county of Albany, praying for the right of suffrage, was read, and referred to the select committee on that subject.

The petition of sundry inhabitants of the county of Oneida, praying for an alteration of the law of landlord and tenant, was read, and referred to the select committee on that subject.

The petition of sundry mechanics of the city of Albany, praying for the speedy action of the Legislature upon the bill in relation to the Northern State Prison, was read, and referred to the committee of the whole when on the said bill.

The remonstrance of sundry inhabitants of the county of Westchester, against altering the old road from Somers to Peekskill, was read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of sundry inhabitants of the county of Seneca, against the passage of the bill to amend the charter of the Auburn and Rochester Railroad Company, was read, and referred to the committee of the whole when on the said bill.

Ten several petitions of sundry inhabitants of the counties of New-York and Chautauque, praying that the New-York and Erie Railroad Company may be allowed to connect their road with roads leading into the State of Pennsylvania, were read, and referred to the committee of the whole when on the bill upon that subject.

Eight several remonstrances of sundry inhabitants of the counties of Otsego, Herkimer and Ulster, against running any portion of the New-York and Erie railroad into the State of Pennsylvania, were read, and referred to the committee of the whole when on the bill upon that subject.

Two several remonstrances of sundry inhabitants of the counties of Orleans and Onondaga, against any discrimination of tolls on the Erie and Oswego canals, were read, and referred to the committee of the whole when on the bill upon that subject.

Mr. Hine, from the committee on the erection and division of towns and counties, to which was recommitted the bill entitled "An act for the division of the town of New-Paltz," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Pardee, from the committee on roads and bridges, to which was referred the several petitions and remonstrances relative to the building of a bridge over the Hudson river at the city of Albany, reported in writing, and concluded by offering the following resolution, to wit :

*Resolved*, That the committee on roads and bridges be discharged from the further consideration of the petitions for the erection of a bridge across the Hudson river at the city of Albany.

[See Document No. 198.]

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act for the relief of Thomas Wheeler and Harvey Alvord, administrators, etc. of John Jacob Mang, deceased;" the bill entitled "An act for the relief of Eleanor F. Wors, widow of John F. Wors, an alien, deceased;" the bill entitled "An act authorising the board of supervisors of Erie county to borrow five thousand dollars, for erecting a work-house;" the bill entitled "An act to extend the docks in the city of Albany south of Hamilton-street;" the bill entitled "An act for the relief of Arunah M. Adsit and others;" the bill entitled "An act appointing a commissioner to transcribe certain mortgages for loans in Tioga county," and the bill entitled "An act to authorise Charles Shepherd and others to connect a slip and basin with the Dansville sidecut of the Genesee Valley canal," and found the same severally correctly engrossed.

*Ordered*, That the said bills do have their third reading.

Mr. Oakley, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to incorporate the Brooklyn City Hospital," and the bill entitled "An act to provide for the construction of a railroad from the navigable waters of the Great Western lakes to Lake Champlain," and found the same severally correctly engrossed.

*Ordered*, That the said bills do have their third reading.

Mr. Wheeler, from the committee on the judiciary, to which was referred the engrossed bill from the Senate, entitled "An act to change the names of William George Thurber and Frederick Thurber," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Wheeler, from the committee on the judiciary, to which was referred the engrossed bill from the Senate, entitled "An act to amend the law in relation to suits against foreign corporations," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Wheeler, from the committee on the judiciary, to which was recommitted the bill entitled "An act to provide for the compensation of jurors," reported, that the committee had gone through the said bill, made sundry amendments thereto, altered the title so as to read "An act to provide for the compensation of jurors in the city of New-York," and saw no reason why the said amended bill should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Moulton, from the minority of the committee on roads and bridges, to which was referred the several petitions and remonstrances relative to the building of a bridge over the Hudson river at the city of Albany, asked for and obtained leave to submit a written report.



Mr. Moulton, from the same committee, also asked for and obtained leave to bring in a bill, entitled "An act authorising the construction of a bridge across the Hudson river at the city of Albany;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Harris moved that the said bill be made the special order for Friday next at four o'clock.

Mr. Hannum moved to amend the said motion of Mr. Harris, by striking out all after "Friday" inclusive, and inserting "the tenth day of April next, at twelve o'clock at noon."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Hannum, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the said motion of Mr. Harris, and it was determined in the affirmative.

Mr. Frisbee, from the committee on roads and bridges, to which was referred the petition of sundry inhabitants of the county of Ulster, for the incorporation of a company to construct a turnpike road from Rochester to Warwarsing, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Frisbee accordingly brought in the said bill, entitled "An act to incorporate the Rochester and Warwarsing Road Company;" which was read the first time, and by unanimous consent was also read a second time, and, on motion of Mr. Pardee, ordered to be engrossed for a third reading.

Mr. Frisbee, from the committee on roads and bridges, to which was referred the petition of sundry inhabitants of the town of New-Paltz in the county of Ulster, for the incorporation of the Rosendale and New-Paltz Turnpike Company, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Frisbee accordingly brought in the said bill, entitled "An act to incorporate the Rosendale and New-Paltz Turnpike Company;" which was read the first time, and by unanimous consent was also read a second time.

Mr. Hine moved that the said bill be engrossed for a third reading.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Hine, and it was determined in the affirmative.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to confirm the title to certain real estate in the widow of James Buckner, late of the county of Montgomery, an alien, deceased," and found the same correctly engrossed.

*Ordered,* That the said bill do have its third reading.

Mr. Bailey moved a reconsideration of the vote on ordering the bill entitled "An act to incorporate the Rosendale and New-Paltz Turnpike Company," to be engrossed for a third reading.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Bailey, and it was determined in the affirmative.

Mr. Hine moved to refer the said bill to the committee on roads and bridges, to report complete.



Mr. Speaker put the question whether the House would agree to the said motion of Mr. Hine, and it was determined in the affirmative.

By unanimous consent,

Mr. Russell moved that the bill entitled "An act to amend the Revised Statutes, relative to the enumeration of the inhabitants of this State," be taken from the general orders, and ordered to be engrossed for a third reading.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Russell, and it was determined in the affirmative.

Mr. Chase, from the minority of the committee on the internal affairs of towns and counties, to which was referred the petition of sundry inhabitants of the city of Utica, for an alteration of their charter, relative to the election of supervisors, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Chase accordingly brought in the said bill, entitled "An act to authorise the election of one supervisor for each of the wards of the city of Utica," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the petition of sundry inhabitants of the county of Schenectady, praying for the passage of an act relative to collector's fees in the town of Glenville, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Chase accordingly brought in the said bill, entitled "An act relative to collector's fees in the town of Glenville, Schenectady county, and for other purposes;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Comstock, from the committee on the judiciary, to which was referred the petition of sundry inhabitants of the county of Allegany, for the passage of an act making the cutting and carrying away of timber unlawful, a larceny, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Comstock accordingly brought in the said bill, entitled "An act to punish the unlawful cutting and carrying away of timber;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Jones, from the committee on colleges, academies and common schools, to which was referred the bill entitled "An act for supplying the several school districts in this State with a copy of the Albany Cultivator," reported, that the committee had examined the said bill, and concluded to offer the following resolution, to wit :

*Resolved*, That the bill be rejected.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Comstock, from the committee on the judiciary, to which was referred the petition of the common council of the city of Utica, relative to the recorder's court in said city, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Comstock accordingly brought in the said bill, entitled "An act to amend an act entitled 'An act to establish a recorder's court in the city of Utica, and for other purposes,' passed May 7th, 1844;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

By unanimous consent,

The House then proceeded to the consideration of the resolution heretofore offered by Mr. Raymond, in the words following, to wit :

*Resolved*, That the bill reported to this House, relative to the town of Gardiner, and which, on motion of Mr. Hine, was laid on the table, be referred back to the committee on the erection and division of towns and counties, to report complete.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Van Valkenburgh, from the committee on railroads, to which was referred the resolution of inquiry offered by Mr. Bailey, concerning the Long Island Railroad Company, submitted a communication in writing from George W. Fisk, president of said company, relative to said inquiries ; which was read, and ordered to be laid on the table.

[ *See Document No. 203.* ]

Mr. Tefft, from the committee on claims, to which was referred the petition of John P. Yates, and the petition of Hubbard Burdick, for relief, offered the following resolution, to wit :

*Resolved*, That the committee on claims be discharged from the consideration of the petitions of John P. Yates and Hubbard Burdick, and that the same be referred to the Canal Board.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. S. Miller, from the committee on colleges, academies and common schools, to which was referred the engrossed bill from the Senate, entitled "An act to incorporate the Schenectady Reference Library Company," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. A. H. Buell, from the committee on banks and insurance companies, to which was referred the petition for an amendment of the charter of the Kings County Mutual Insurance Company, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. A. H. Buell accordingly brought in the said bill, entitled "An act to amend an act entitled 'An act to incorporate the Kings County Mutual Insurance Company,' passed April 1, 1844;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Hervey, from the committee on charitable and religious societies, to which was referred the petition of Sarah R. Ingraham and others,

praying for the incorporation of the American Female Moral Reform Society, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Hervey accordingly brought in the said bill, entitled "An act to incorporate the Female Moral Reform Society of the city of New-York;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
Albany, March 22, 1845. }

TO THE ASSEMBLY.

I have this day approved and signed the bill entitled "An act to authorise and direct the holding of a special town meeting in the town of Laurens in the county of Otsego."

SILAS WRIGHT.

A communication from John H. Dayton was received and read, in the words following, to wit :

Sagharbor, March 17, 1845.

To the Hon. H. SEYMOUR,  
*Speaker of the Assembly.*

SIR,

The state of my health admonishes me that it would be exceedingly imprudent for me to return to Albany. I shall therefore be obliged to resign my seat in the Legislature. In thus taking leave of the House, I beg to tender to its members my best wishes for their individual prosperity and happiness.

Respectfully yours,

JOHN H. DAYTON.

The engrossed bill entitled "An act to provide for the construction of a railroad from the navigable waters of the Great Western lakes to Lake Champlain," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 96 }  
{ NAYS 00 }

Those who voted in the affirmative are

Mr. Bachman  
Mr. Bagg  
Mr. Barber  
Mr. Betts

Mr. Gregory  
Mr. Hammond  
Mr. Hannum  
Mr. Harris

Mr. Pardee  
Mr. Porter  
Mr. Preston  
Mr. Raymond

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bevens       | Mr. Hazelton     | Mr. Rogers          |
| Mr. Billings     | Mr. Heermans     | Mr. Ross            |
| Mr. Bloss        | Mr. Hervey       | Mr. Russell         |
| Mr. Bowen        | Mr. Hine         | Mr. Sager           |
| Mr. J. Brooks    | Mr. Horton       | Mr. Salisbury       |
| Mr. M. Brooks    | Mr. Howard       | Mr. Sherman         |
| Mr. S. A. Brown  | Mr. Hunt         | Mr. A. C. Smith     |
| Mr. A. H. Buell  | Mr. Huntington   | Mr. W. Smith        |
| Mr. Bunker       | Mr. Jarvis       | Mr. Speaker         |
| Mr. Burdick      | Mr. Johnson      | Mr. Spring          |
| Mr. Bush         | Mr. Jones        | Mr. R. L. Stevenson |
| Mr. Cameron      | Mr. Knapp        | Mr. Strobridge      |
| Mr. Casner       | Mr. D. Lee       | Mr. Sweeney         |
| Mr. Chase        | Mr. Long         | Mr. Tefft           |
| Mr. Collins      | Mr. M'Carthy     | Mr. Thayer          |
| Mr. Comstock     | Mr. M'Donald     | Mr. Thompson        |
| Mr. C. F. Crosby | Mr. M'Key        | Mr. Tibbits         |
| Mr. E. Crosby    | Mr. M'Vean       | Mr. Van Schoonhoven |
| Mr. Culver       | Mr. Mann         | Mr. Van Valkenburgh |
| Mr. Danforth     | Mr. Mersereau    | Mr. Walrath         |
| Mr. Dewey        | Mr. C. B. Miller | Mr. Wells           |
| Mr. Dickson      | Mr. S. Miller    | Mr. Wheeler         |
| Mr. Fellows      | Mr. Morris       | Mr. White           |
| Mr. Field        | Mr. Morrison     | Mr. Wilcox          |
| Mr. Fonda        | Mr. Moulton      | Mr. Worden          |
| Mr. Frisbee      | Mr. Newkirk      | Mr. Wyckoff         |
| Mr. D. Gould     | Mr. Niven        | Mr. A. W. Young     |
| Mr. G. Goold     | Mr. Oakley       | Mr. J. Young        |

96

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to incorporate the Brooklyn City Hospital," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

} AYES 95 }  
 } NAYS 00 }

Those who voted in the affirmative are

|              |              |             |
|--------------|--------------|-------------|
| Mr. Bachman  | Mr. Gregory  | Mr. Porter  |
| Mr. Bagg     | Mr. Hammond  | Mr. Preston |
| Mr. Barber   | Mr. Hannum   | Mr. Raymond |
| Mr. Betts    | Mr. Harris   | Mr. Rogers  |
| Mr. Billings | Mr. Hazelton | Mr. Ross    |
| Mr. Bloss    | Mr. Heermans | Mr. Russell |
| Mr. Bowen    | Mr. Hervey   | Mr. Sager   |



|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. J. Brooks    | Mr. Hine         | Mr. Salisbury       |
| Mr. M. Brooks    | Mr. Horton       | Mr. Sherman         |
| Mr. S. A. Brown  | Mr. Howard       | Mr. A. C. Smith     |
| Mr. Bunker       | Mr. Hunt         | Mr. W. Smith        |
| Mr. Burdick      | Mr. Huntington   | Mr. Speaker         |
| Mr. Bush         | Mr. Jarvis       | Mr. Spring          |
| Mr. Cameron      | Mr. Johnson      | Mr. R. L. Stevenson |
| Mr. Casner       | Mr. Jones        | Mr. Strobridge      |
| Mr. Chase        | Mr. Knapp        | Mr. Sweeney         |
| Mr. Collins      | Mr. Long         | Mr. Tefft           |
| Mr. Comstock     | Mr. M'Carthy     | Mr. Thayer          |
| Mr. Constant     | Mr. M'Donald     | Mr. Thompson        |
| Mr. Crain        | Mr. M'Key        | Mr. Tibbits         |
| Mr. C. F. Crosby | Mr. M'Vean       | Mr. Van Schoonhoven |
| Mr. E. Crosby    | Mr. Mann         | Mr. Van Valkenburgh |
| Mr. Culver       | Mr. Mather       | Mr. Walrath         |
| Mr. Danforth     | Mr. Mersereau    | Mr. Wells           |
| Mr. Dewey        | Mr. C. B. Miller | Mr. Wheeler         |
| Mr. Dickson      | Mr. S. Miller    | Mr. White           |
| Mr. Fellows      | Mr. Morris       | Mr. Wilcox          |
| Mr. Field        | Mr. Morrison     | Mr. Worden          |
| Mr. Fonda        | Mr. Newkirk      | Mr. Wyckoff         |
| Mr. Frisbee      | Mr. Niven        | Mr. A. W. Young     |
| Mr. D. Gould     | Mr. Oakley       | Mr. J. Young        |
| Mr. G. Goold     | Mr. Pardee       |                     |

95

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act authorising the board of supervisors of Erie county to borrow five thousand dollars, for erecting a work-house," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 97 }  
{ NAYS 00 }

Those who voted in the affirmative are

|               |              |               |
|---------------|--------------|---------------|
| Mr. Bachman   | Mr. Gregory  | Mr. Pierce    |
| Mr. Bagg      | Mr. Hammond  | Mr. Porter    |
| Mr. Barber    | Mr. Hannum   | Mr. Preston   |
| Mr. Betts     | Mr. Harris   | Mr. Raymond   |
| Mr. Bevins    | Mr. Hazelton | Mr. Rogers    |
| Mr. Billings  | Mr. Heermans | Mr. Ross      |
| Mr. Bloss     | Mr. Hervey   | Mr. Russell   |
| Mr. Bowen     | Mr. Hine     | Mr. Sager     |
| Mr. J. Brooks | Mr. Horton   | Mr. Salisbury |

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. M. Brooks    | Mr. Howard       | Mr. Sherman         |
| Mr. S. A. Brown  | Mr. Huntington   | Mr. A. C. Smith     |
| Mr. A. H. Buell  | Mr. Jarvis       | Mr. W. Smith        |
| Mr. Bunker       | Mr. Johnson      | Mr. Speaker         |
| Mr. Burdick      | Mr. Jones        | Mr. Spring          |
| Mr. Bush         | Mr. Knapp        | Mr. R. L. Stevenson |
| Mr. Carpenter    | Mr. Long         | Mr. Strobbridge     |
| Mr. Casner       | Mr. M'Carthy     | Mr. Sweeney         |
| Mr. Chase        | Mr. M'Donald     | Mr. Tefft           |
| Mr. Collins      | Mr. M'Key        | Mr. Thayer          |
| Mr. Comstock     | Mr. M'Vean       | Mr. Thompson        |
| Mr. Constant     | Mr. Mann         | Mr. Tibbits         |
| Mr. Crain        | Mr. Mather       | Mr. Van Schoonhoven |
| Mr. C. F. Crosby | Mr. Mersereau    | Mr. Van Valkenburgh |
| Mr. E. Crosby    | Mr. C. B. Miller | Mr. Walrath         |
| Mr. Culver       | Mr. S. Miller    | Mr. Wells           |
| Mr. Danforth     | Mr. Morris       | Mr. Wheeler         |
| Mr. Dewey        | Mr. Morrison     | Mr. White           |
| Mr. Fellows      | Mr. Moulton      | Mr. Wilcox          |
| Mr. Field        | Mr. Newkirk      | Mr. Worden          |
| Mr. Fonda        | Mr. Niven        | Mr. Wyckoff         |
| Mr. Frisbee      | Mr. Oakley       | Mr. A. W. Young     |
| Mr. D. Gould     | Mr. Pardee       | Mr. J. Young        |
| Mr. G. Gould     |                  |                     |

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act appointing a commissioner to transcribe certain mortgages for loans in Tioga county," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act for the relief of Arunah M. Adsit and others," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to authorise Charles Shepherd and others to connect a slip and basin with the Dansville sidecut of the Genesee Valley canal," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to extend the docks in the city of Albany, south of Hamilton-street," was read the third time.

Mr. Worden moved a call of the House.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Worden, and it was determined in the affirmative.

Whereupon, the lobbies and galleries having been cleared and the doors closed, the roll was called, and the following members answered to their names, to wit :

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. D. Gould     | Mr. Oakley          |
| Mr. Bagg         | Mr. G. Goold     | Mr. Pardee          |
| Mr. Bailey       | Mr. Gregory      | Mr. Pierce          |
| Mr. Barber       | Mr. Hammond      | Mr. Porter          |
| Mr. Betts        | Mr. Hannum       | Mr. Preston         |
| Mr. Bevens       | Mr. Harris       | Mr. Raymond         |
| Mr. Billings     | Mr. Hazelton     | Mr. Rogers          |
| Mr. Bloss        | Mr. Heermans     | Mr. Ross            |
| Mr. Boughton     | Mr. Hervey       | Mr. Russell         |
| Mr. Bowen        | Mr. Hine         | Mr. Sager           |
| Mr. J. Brooks    | Mr. Horton       | Mr. Salisbury       |
| Mr. M. Brooks    | Mr. Howard       | Mr. Sherman         |
| Mr. Brower       | Mr. Hunt         | Mr. A. C. Smith     |
| Mr. S. A. Brown  | Mr. Huntington   | Mr. W. Smith        |
| Mr. A. H. Buell  | Mr. Jarvis       | Mr. Speaker         |
| Mr. Bunker       | Mr. Johnson      | Mr. R. L. Stevenson |
| Mr. Burdick      | Mr. Jones        | Mr. Strobridge      |
| Mr. Bush         | Mr. Knapp        | Mr. Sweeney         |
| Mr. Cameron      | Mr. D. Lee       | Mr. Tefft           |
| Mr. Carpenter    | Mr. Long         | Mr. Thayer          |
| Mr. Casner       | Mr. M'Carthy     | Mr. Thompson        |
| Mr. Chase        | Mr. M'Donald     | Mr. Tibbits         |
| Mr. Collins      | Mr. M'Key        | Mr. Tnhill          |
| Mr. Comstock     | Mr. M'Vean       | Mr. Van Schoonhoven |
| Mr. Constant     | Mr. Mann         | Mr. Van Valkenburgh |
| Mr. Crain        | Mr. Mather       | Mr. Walrath         |
| Mr. C. F. Crosby | Mr. Mersercau    | Mr. Wells           |
| Mr. E. Crosby    | Mr. C. B. Miller | Mr. Wheeler         |
| Mr. Culver       | Mr. S. Miller    | Mr. White           |
| Mr. Danforth     | Mr. Morris       | Mr. Wilcox          |
| Mr. Dewey        | Mr. Morrison     | Mr. Worden          |
| Mr. Fellows      | Mr. Moulton      | Mr. Wyckoff         |
| Mr. Field        | Mr. Newkirk      | Mr. A. W. Young     |
| Mr. Fonda        | Mr. Niven        | Mr. J. Young        |
| Mr. Frisbee      |                  |                     |

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It having appeared that the following members were absent without leave, to wit :

|                 |                |             |
|-----------------|----------------|-------------|
| Mr. L. H. Brown | Mr. Garretson  | Mr. Searing |
| Mr. T. Buel     | Mr. Harden     | Mr. Sears   |
| Mr. De Puy      | Mr. Kinne      | Mr. Skelton |
| Mr. Edwards     | Mr. T. R. Lee  | Mr. Titus   |
| Mr. Fenn        | Mr. Litchfield | Mr. Winant  |

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*Ordered*, That they be severally excused for non-attendance on the call of the House.

Mr. J. Young moved that all further proceedings under the call of the House be dispensed with.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. J. Young, and it was determined in the affirmative.

The doors were then opened.

The hour of twelve o'clock at noon having arrived, the Chair announced the special order of the House, being the consideration of the amendments of the Constitution.

Mr. Coe moved to lay the said special order on the table for the day.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Coe, and it was determined in the affirmative.

The question then recurred on the passage of the engrossed bill entitled "An act to extend the docks in the city of Albany, south of Hamilton-street."

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 97 }  
{ NAYS 00 }

Those who voted in the affirmative are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Bachman     | Mr. Frisbee    | Mr. Oakley          |
| Mr. Bagg        | Mr. D. Gould   | Mr. Pardee          |
| Mr. Bailey      | Mr. Gregory    | Mr. Pierce          |
| Mr. Barber      | Mr. Hammond    | Mr. Porter          |
| Mr. Betts       | Mr. Hannum     | Mr. Preston         |
| Mr. Bevens      | Mr. Harris     | Mr. Rogers          |
| Mr. Bloss       | Mr. Hazelton   | Mr. Ross            |
| Mr. Bowen       | Mr. Heermans   | Mr. Russell         |
| Mr. J. Brooks   | Mr. Hervey     | Mr. Sager           |
| Mr. M. Brooks   | Mr. Hine       | Mr. Salisbury       |
| Mr. Brower      | Mr. Horton     | Mr. Sherman         |
| Mr. L. H. Brown | Mr. Howard     | Mr. A. C. Smith     |
| Mr. S. A. Brown | Mr. Hunt       | Mr. W. Smith        |
| Mr. A. H. Buell | Mr. Huntington | Mr. Speaker         |
| Mr. Bunker      | Mr. Jarvis     | Mr. Spring          |
| Mr. Burdick     | Mr. Johnson    | Mr. R. L. Stevenson |
| Mr. Bush        | Mr. Jones      | Mr. Strobbridge     |
| Mr. Cameron     | Mr. Knapp      | Mr. Sweeney         |
| Mr. Carpenter   | Mr. D. Lee     | Mr. Tefft           |
| Mr. Casner      | Mr. Long       | Mr. Thayer          |
| Mr. Chase       | Mr. M'Carthy   | Mr. Thompson        |
| Mr. Coe         | Mr. M'Donald   | Mr. Tibbits         |
| Mr. Collins     | Mr. M'Key      | Mr. Tuthill         |
| Mr. Comstock    | Mr. M'Vean     | Mr. Van Schoonhoven |



|               |                  |                     |
|---------------|------------------|---------------------|
| Mr. Crain     | Mr. Mann         | Mr. Van Valkenburgh |
| Mr. E. Crosby | Mr. Mather       | Mr. Walrath         |
| Mr. Culver    | Mr. Mersereau    | Mr. Wells           |
| Mr. Danforth  | Mr. C. B. Miller | Mr. Wheeler         |
| Mr. Dewey     | Mr. S. Miller    | Mr. White           |
| Mr. Dickson   | Mr. Morris       | Mr. Worden          |
| Mr. Fellows   | Mr. Newkirk      | Mr. A. W. Young     |
| Mr. Field     | Mr. Niven        | Mr. J. Young        |
| Mr. Fonda     |                  |                     |

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*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act for the relief of Thomas Wheeler and Harvey Alvord, administrators, etc. of John Jacob Mang, deceased," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act for the relief of Eleanor F. Wors, widow of John F. Wors, an alien, deceased," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit .

{ AYES 96 }  
{ NAYS 00 }

Those who voted in the affirmative are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Bachman     | Mr. D. Gould   | Mr. Pardee          |
| Mr. Barber      | Mr. G. Goold   | Mr. Pierce          |
| Mr. Bevens      | Mr. Gregory    | Mr. Porter          |
| Mr. Billings    | Mr. Hannum     | Mr. Preston         |
| Mr. Bloss       | Mr. Harris     | Mr. Raymond         |
| Mr. Bowen       | Mr. Hazelton   | Mr. Rogers          |
| Mr. J. Brooks   | Mr. Heermans   | Mr. Ross            |
| Mr. M. Brooks   | Mr. Hervey     | Mr. Russell         |
| Mr. Brower      | Mr. Hine       | Mr. Sager           |
| Mr. L. H. Brown | Mr. Horton     | Mr. Salisbury       |
| Mr. S. A. Brown | Mr. Howard     | Mr. Sherman         |
| Mr. Bunker      | Mr. Hunt       | Mr. A. C. Smith     |
| Mr. Burdick     | Mr. Huntington | Mr. W. Smith        |
| Mr. Bush        | Mr. Jarvis     | Mr. Speaker         |
| Mr. Cameron     | Mr. Johnson    | Mr. Spring          |
| Mr. Carpenter   | Mr. Jones      | Mr. R. L. Stevenson |
| Mr. Casner      | Mr. Knapp      | Mr. Strobbridge     |
| Mr. Chase       | Mr. D. Lee     | Mr. Sweeney         |
| Mr. Coe         | Mr. Long       | Mr. Tefft           |
| Mr. Collins     | Mr. M'Carthy   | Mr. Thayer          |
| Mr. Comstock    | Mr. M'Donald   | Mr. Thompson        |

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Crain        | Mr. M'Key        | Mr. Tuthill         |
| Mr. C. F. Crosby | Mr. M'Vean       | Mr. Van Schoonhoven |
| Mr. E. Crosby    | Mr. Mann         | Mr. Van Valkenburgh |
| Mr. Culver       | Mr. Mather       | Mr. Walrath         |
| Mr. Danforth     | Mr. Mersereau    | Mr. Wells           |
| Mr. Dewey        | Mr. C. B. Miller | Mr. Wheeler         |
| Mr. Dickson      | Mr. S. Miller    | Mr. White           |
| Mr. Fellows      | Mr. Morris       | Mr. Worden          |
| Mr. Field        | Mr. Newkirk      | Mr. Wyckoff         |
| Mr. Fonda        | Mr. Niven        | Mr. A. W. Young     |
| Mr. Frisbee      | Mr. Oakley       | Mr. J. Young        |

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*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to confirm the title to certain real estate in the widow of James Buckner, late of the county of Montgomery, an alien, deceased," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 95 }  
{ NAYS 00 }

Those who voted in the affirmative are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Bachman     | Mr. Frisbee    | Mr. Porter          |
| Mr. Bailey      | Mr. G. Goold   | Mr. Preston         |
| Mr. Barber      | Mr. Gregory    | Mr. Raymond         |
| Mr. Betts       | Mr. Hammond    | Mr. Rogers          |
| Mr. Bevens      | Mr. Hannum     | Mr. Ross            |
| Mr. Billings    | Mr. Harris     | Mr. Russell         |
| Mr. Boughton    | Mr. Hazelton   | Mr. Sager           |
| Mr. Bowen       | Mr. Heermans   | Mr. Salisbury       |
| Mr. J. Brooks   | Mr. Hervey     | Mr. Sherman         |
| Mr. M. Brooks   | Mr. Hine       | Mr. A. C. Smith     |
| Mr. Brower      | Mr. Howard     | Mr. W. Smith        |
| Mr. L. H. Brown | Mr. Hunt       | Mr. Speaker         |
| Mr. S. A. Brown | Mr. Huntington | Mr. Spring          |
| Mr. Bunker      | Mr. Jarvis     | Mr. R. L. Stevenson |
| Mr. Burdick     | Mr. Johnson    | Mr. Strobbridge     |
| Mr. Bush        | Mr. Jones      | Mr. Sweeney         |
| Mr. Cameron     | Mr. Knapp      | Mr. Tefft           |
| Mr. Carpenter   | Mr. D. Lee     | Mr. Thayer          |
| Mr. Casner      | Mr. Long       | Mr. Thompson        |
| Mr. Chase       | Mr. M'Donald   | Mr. Tibbits         |
| Mr. Coe         | Mr. M'Key      | Mr. Tuthill         |
| Mr. Collins     | Mr. M'Vean     | Mr. Van Schoonhoven |
| Mr. Comstock    | Mr. Mann       | Mr. Van Valkenburgh |

|                  |                  |                 |
|------------------|------------------|-----------------|
| Mr. Crain        | Mr. Mather       | Mr. Walrath     |
| Mr. C. F. Crosby | Mr. Mersereau    | Mr. Wells       |
| Mr. E. Crosby    | Mr. C. B. Miller | Mr. Wheeler     |
| Mr. Culver       | Mr. S. Miller    | Mr. White       |
| Mr. Danforth     | Mr. Morris       | Mr. Worden      |
| Mr. Dickson      | Mr. Moulton      | Mr. Wyckoff     |
| Mr. Fellows      | Mr. Newkirk      | Mr. A. W. Young |
| Mr. Field        | Mr. Oakley       | Mr. J. Young    |
| Mr. Fonda        | Mr. Pierce       |                 |

95

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill from the Senate, entitled "An act to authorise the payment of certain money awarded to Timothy Eddy," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The engrossed bill from the Senate, entitled "An act to confirm certain conveyances executed by Eleazer Williams, an Indian," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.

{ AYES 100 }  
{ NAYS 01 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Bachman     | Mr. Frisbee    | Mr. Pierce          |
| Mr. Bailey      | Mr. D. Gould   | Mr. Porter          |
| Mr. Barber      | Mr. G. Goold   | Mr. Preston         |
| Mr. Betts       | Mr. Gregory    | Mr. Raymond         |
| Mr. Bevens      | Mr. Hannum     | Mr. Rogers          |
| Mr. Billings    | Mr. Hazeltine  | Mr. Ross            |
| Mr. Bloss       | Mr. Heermance  | Mr. Russell         |
| Mr. Boughton    | Mr. Hervey     | Mr. Sager           |
| Mr. Bowen       | Mr. Hine       | Mr. Salisbury       |
| Mr. J. Brooks   | Mr. Horton     | Mr. Sherman         |
| Mr. M. Brooks   | Mr. Howard     | Mr. A. C. Smith     |
| Mr. Brower      | Mr. Hunt       | Mr. W. Smith        |
| Mr. L. H. Brown | Mr. Huntington | Mr. Speaker         |
| Mr. S. A. Brown | Mr. Jarvis     | Mr. Spring          |
| Mr. A. H. Buel  | Mr. Johnson    | Mr. R. L. Stevenson |
| Mr. Burdick     | Mr. Knapp      | Mr. Strobridge      |
| Mr. Bush        | Mr. D. Lee     | Mr. Sweeney         |
| Mr. Cameron     | Mr. M'Carthy   | Mr. Tefft           |
| Mr. Carpenter   | Mr. M'Donald   | Mr. Thayer          |

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Casner       | Mr. M'Key        | Mr. Thompson        |
| Mr. Chase        | Mr. M'Vean       | Mr. Tibbits         |
| Mr. Coe          | Mr. Mann         | Mr. Tuthill         |
| Mr. Collins      | Mr. Mather       | Mr. Van Schoonhoven |
| Mr. Comstock     | Mr. Mersereau    | Mr. Van Valkenburgh |
| Mr. Constant     | Mr. C. B. Miller | Mr. Walrath         |
| Mr. Crain        | Mr. S. Miller    | Mr. Wells           |
| Mr. C. F. Crosby | Mr. Morris       | Mr. Wheeler         |
| Mr. E. Crosby    | Mr. Morrison     | Mr. White           |
| Mr. Culver       | Mr. Moulton      | Mr. Wilcox          |
| Mr. Danforth     | Mr. Newkirk      | Mr. Worden          |
| Mr. Dewey        | Mr. Niven        | Mr. Wyckoff         |
| Mr. Dickson      | Mr. Oakley       | Mr. A. W. Young     |
| Mr. Fellows      | Mr. Pardee       | Mr. J. Young        |
| Mr. Fonda        |                  | 100                 |

For the negative,

Mr. Field 1

Mr. Worden moved a reconsideration of the vote on the final passage of the said bill.

*Ordered*, That the said motion be laid on the table.

A message from the Senate, with the bill therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act in relation to Montezuma salt," without amendment.

*Ordered*, That the Clerk deliver the said bill to the Governor.

A message from the Senate, with the bill therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act to amend an act passed April 26th, 1844, entitled 'An act to authorise the board of supervisors of the county of Tompkins to levy a tax on the town of Dryden, to pay expenses of building bridges in said town,'" and request the concurrence of the Assembly in the same.

The said bill was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. S. Miller,

*Ordered*, That the said bill do have its third reading.

The report of the Canal Commissioners, in answer to a resolution of the Assembly of March 14th, 1845, was received, read, and referred to the committee on canals.

[See Document No. 207.]

The report of the Canal Board, on the petition of Ledyard & Matthews, claiming pay for work on section 32 Erie canal enlargement, was received, read, and referred to the committee on claims.

[See Document No. 201.]

The report of the Canal Board, on the reference of the petition of A. J. Yates, was received, read, and referred to the committee on claims.



[See Document No. 191.]

On motion of Mr. Wheeler,

*Resolved*, That the bill to amend the charter of the New-York and Harlem Railroad Company be referred back to the committee on railroads, for amendment, and that it retain its position on the general orders.

Mr. Wheeler offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the Canal Board inquire into the expediency of revising, lessening or changing the present rate of tolls on the canals of this State; and report their conclusions thereon, and the reasons for such conclusions, to this house.

*Ordered*, That the said resolution be laid on the table.

Mr. C. F. Crosby moved that ten times the usual number of copies of the reports of the majority and minority of the committee on canals, on the subject of a discrimination of canal tolls, be printed.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. C. F. Crosby, and it was determined in the negative.

Mr. Barber offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That Assembly bill No. 234 be taken from the general orders, and referred back to the committee on indian affairs, to report complete.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the negative.

Mr. Russell gave notice that he would, at some future day, submit to the Assembly a bill to extend the powers of the judges of county courts of St. Lawrence county, over the Canton and Ogdensburgh road.

Mr. Niven offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the committee on state prisons be authorised to send two of their number to the Mount-Pleasant State Prison, to inquire into and report upon the suggestions made to them by the inspectors of said prison.

*Ordered*, That the said resolution be laid on the table.

*Ordered*, That Mr. Sears have leave of absence for six days, Mr. Hall for six days, Mr. T. R. Lee for six days, Mr. Harden for ten days, Mr. Wynant for six days, Mr. Skelton for five days, Mr. Garretson for five days, Mr. Searing for two days, and Mr. J. Stevenson for seven days.

Mr. M'Carthy moved that the House proceed to the consideration of the resolution heretofore offered by him, in the words following, to wit :

*Resolved*, That the bill entitled "An act to amend an act in relation to the charter of the village of Salina," be taken from the general orders, and ordered to a third reading.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. M'Carthy, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

On motion of Mr. Niven,

*Resolved*, That the engrossed bill from the Senate, entitled "An act to amend an act entitled 'An act to enable the trustees of the First Presbyterian Church in Goshen to sell a part of their parsonage lands, for the purposes therein mentioned,' passed April 4, 1804," be ordered to a third reading.

In pursuance of previous notice, Mr. Worden asked for and obtained leave to bring in a bill, entitled "An act to promote the education and moral improvement of minors engaged in the business of navigating the canals of this State ;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on charitable and religious societies.

On motion of Mr. Worden,

*Resolved*, That the bill to incorporate the Canandaigua Literary Association be taken from the general orders, and referred to a select committee to report complete.

On motion of Mr. C. F. Crosby,

*Resolved*, That five times the usual number of copies of the majority and minority reports of the committee on canals, on the subject of a discrimination of canal tolls, be printed.

On motion of Mr. D. Lee,

*Resolved*, That the bill relating to the amendment of the charter of the city of Buffalo, be taken from the general orders, and referred to the committee on the incorporation of cities and villages, to report complete.

Mr. Hine offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That Senate bill 99, and House bill 202, be referred to a select committee to report complete.

*Ordered*, That the said resolution be laid on the table.

Mr. Harris offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill entitled "An act declaring a part of that branch of the Hudson river, known as Trout brook, a public highway," be taken from the general orders, and ordered to a third reading.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Harris offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill relative to the village of Williamsburgh be taken from the general orders, and referred to the committee on the internal affairs of towns and counties, to report the same complete.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

On motion of Mr. Carpenter,

*Resolved*, That the committee on public printing be requested to ascertain, as near as may be, the expenses incurred by this House for printing, from the commencement of the session, up to this date, and report to this house on Friday next.

On motion of Mr. Van Schoonhoven,

*Resolved*, That the bill entitled "An act incorporating the Troy Gas

Light Company," be referred to a select committee to report complete.

Mr. Porter offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the engrossed bill from the Senate, entitled "An act to incorporate the Delaware Turnpike Company," be taken from the general orders of this house, and recommitted to the committee on roads and bridges, with instructions to report complete.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the negative.

Mr. J. Young offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill to amend the several acts incorporating the village of Geneseo, be referred to the committee on the incorporation of cities and villages, with instructions to report complete ; and that the bill to incorporate the village of Canton, be referred to the committee on the incorporation of cities and villages, to report complete.

Mr. Tafft moved to lay the said resolution on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Tafft, and it was determined in the affirmative.

Mr. Niven offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill in reference to the Newburgh High School be taken from the general orders, and ordered to be engrossed for a third reading.

*Ordered*, That the said resolution be laid on the table.

The House then proceeded to the consideration of the resolution heretofore offered by Mr. McCarthy, in the words following, to wit :

*Resolved*, That hereafter, Monday and Thursday in each week during the session shall be devoted to the consideration of private claims.

On motion of Mr. Spring,

*Ordered*, That the said resolution be laid on the table.

A message from the Senate, with the bill therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act appointing a special term of the court of general sessions of the peace of the county of Delaware," and request the concurrence of the Assembly in the same.

The said bill was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

Mr. Newkirk gave notice that he would, on some future day, bring in a bill to abolish the office of superintendent of common schools in the county of Fulton.

Mr. Huntington moved that the order of business of "Unfinished business of the preceding day," be laid on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Huntington, and it was determined in the negative.

The House then again resolved itself into a committee of the whole, on the bill entitled "An act to incorporate the New-York State Insurance Company in the city of New-York," and on the bill entitled "An act in relation to the construction of the New-York and Erie railroad ;" and



after some time spent thereon, Mr. Speaker resumed the chair, and announced that the hour of two o'clock had arrived.

Whereupon,

The House took a recess until four o'clock this afternoon.

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#### FOUR O'CLOCK P. M.

The House again met.

By unanimous consent,

Mr. Gregory offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That five times the usual number of the majority and minority reports in relation to the bridge across the Hudson river at Albany, be printed for the use of this house.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

The House then again resolved itself into a committee of the whole, on the bill entitled "An act to incorporate the New-York State Insurance Company," and on the bill entitled "An act in relation to the construction of the New-York and Erie railroad;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. M. Brooks, from the said committee, reported, that the committee had gone through the bill entitled "An act to incorporate the New-York State Insurance Company," made sundry amendments thereto, and agreed to the same; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. M. Brooks, from the same committee, reported progress on the bill entitled "An act in relation to the construction of the New-York and Erie railroad," and asked for and obtained leave to sit again.

A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
Albany, March 25, 1845. }

TO THE ASSEMBLY.

I have this day approved and signed the bill entitled "An act in relation to Montezuma salt."

SILAS WRIGHT.

On motion of Mr. M. Brooks,  
The House then adjourned to ten o'clock to-morrow morning.



## WEDNESDAY, MARCH 26, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Schneller.

The minutes of yesterday were read and approved.

The remonstrance of sundry inhabitants of the county of Monroe, against any change in the law, which may restrict masters in chancery from making sales under mortgage foreclosure by sundry citizens of the eighth senate district, was read, and referred to the committee on the judiciary.

Three several remonstrances of sundry inhabitants of the counties of Seneca and Ontario, against the proposed amendment to the charter of the Auburn and Rochester Railroad Company, were read, and referred to the committee on railroads.

The remonstrance of the Long Island Railroad Company, against the passage of a law compelling them to fence their road, was read, and referred to the committee on railroads.

The petition of sundry inhabitants of the town of East-Bloomfield in the county of Ontario, praying for the appointment of a railroad commissioner, to regulate the running of cars on the western railroads, was read, and referred to the committee on railroads.

The petition of sundry inhabitants of the city of Brooklyn, praying for an extension of the elective franchise to persons of color, was read, and referred to the select committee on that subject.

Five several petitions of sundry inhabitants of the counties of Cattaraugus and Chautauque, praying for the release of the State loan to the New-York and Erie Railroad Company, upon certain conditions, were read, and referred to the committee of the whole when on the bill upon that subject.

Two several remonstrances of sundry inhabitants of the counties of Otsego and Chenango, against running any portion of the New-York and Erie railroad into the State of Pennsylvania, were read, and referred to the committee of the whole when on the bill upon that subject.

Three several petitions of sundry inhabitants of the county of Steuben, praying for a discrimination of tolls on the canals in this State, were read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the city of New-York, praying that an appropriation be made for the new prison in Clinton county, was read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the city of New-York, praying for the passage of a law allowing to jurors and witnesses a just equivalent for their services, was read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Wayne, praying for the passage of a law to restore the distinction between town and

county poor in said county, was read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of the Seventh Day Baptists of the village of West-Edmeston in the county of Otsego, against the passage of any law closing the canal locks on Sunday, was read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of sundry inhabitants of the town of Chenango in the county of Broome, against any division of the said town, was read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of sundry inhabitants of the county of Cattaraugus, against any discrimination of tolls in favor of the Oswego and Welland canals, was read, and referred to the committee of the whole when on the bill upon that subject.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the petition of sundry inhabitants of the town of St. Armand in the county of Essex, praying for the passage of an act relative to the compensation of the collector of taxes in the said town, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Chase accordingly brought in the said bill, entitled "An act to increase the fees of the collector of the town of St. Armand in the county of Essex;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the petition of sundry inhabitants of the county of Queens, praying for an alteration of the dog law in the said county, reported unfavorably to the prayer of the petitioners, and offered the following resolution, to wit :

*Resolved*, That the committee on the internal affairs of towns and counties be discharged from the further consideration of the petition for an alteration of the dog law of the county of Queens.

On motion of Mr. Jones,

*Ordered*, That the said resolution be laid on the table.

Mr. Chase, from the committee on the erection and division of towns and counties, to which was referred the petition of sundry inhabitants of the county of Schoharie, for the erection of a new town, by the name of Wright, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Chase accordingly brought in the said bill, entitled "An act to erect the town of Wright;" which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. Boughton,

*Ordered*, That the said bill be laid on the table.

Mr. Chase, from the committee on the erection and division of towns and counties, to which was referred the bill entitled "An act to erect the town of Gardiner in the county of Ulster," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to authorise the trustees of the village of Williamsburgh to raise money by loan or tax, to pay certain debts, and to provide for the speedy liquidation and settlement of certain disputed matters and claims in said village," with instructions to report the same complete, reported, that the committee had gone through the said bill, and made sundry amendments thereto, and saw no reason why the said amended bill should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to incorporate the Troy Gas Light Company," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Ross, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to authorise the common council of the city of Buffalo to borrow money, and for other purposes," with instructions to report complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act for the collection of taxes in the city of Albany," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Ross, from the committee on the incorporation of cities and villages, to which was referred the petition of sundry inhabitants of the village of Fultonville in the county of Montgomery, praying for an act of incorporation, reported unfavorably to the prayer of the petitioners, and offered the following resolution, to wit :

*Resolved,* That the committee on the incorporation of cities and villages be discharged from the further consideration of the petition for the incorporation of the village of Fultonville.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.



Mr. Comstock, from the committee on the judiciary, to which was referred the engrossed bill from the Senate, entitled "An act appointing a special term of the court of general sessions of the peace of the county of Delaware," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

On motion of Mr. Comstock,

*Ordered*, That the said bill do have its third reading.

Mr. E. Crosby, from the committee on banks and insurance companies, to which was referred the petition of the Jefferson Insurance Company, for an amendment of their charter, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. E. Crosby accordingly brought in the said bill, entitled "An act to amend the charter of the Jefferson Insurance Company in the city of New-York;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. D. Lee, from the committee on agriculture, to which was referred so much of the message of the Governor as relates to the subject of agriculture, reported in writing.

[*See Document No. 200.*]

Mr. Van Valkenburgh moved that fifteen times the usual number of copies of the said report be printed.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Van Valkenburgh, and it was determined in the affirmative.

The Chair announced the appointment of a select committee on the petition of sundry inhabitants of the county of Allegany, relative to the fees of inspectors of timber, to consist of Mr. Collins, Mr. M'Key, Mr. Rogers, Mr. Russell and Mr. M'Vean.

Mr. S. Miller, from the committee on colleges, academies and common schools, to which was referred the petition of the board of education of the county of Kings, praying for a grant of a portion of the Common School Fund, for the education of colored children, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. S. Miller accordingly brought in the said bill, entitled "An act to amend an act entitled 'An act relative to the common schools of the city of Brooklyn;'" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. L. H. Brown, from the committee on colleges, academies and common schools, to which was referred so much of the message of the Governor as relates to common schools, the annual report of the Superintendent of Common Schools, and sundry petitions and remonstrances relative to common schools, reported in writing, and asked leave to bring in a bill.

[*See Document No. 206.*]



Leave being granted, Mr. L. H. Brown accordingly brought in the said bill, entitled "An act in relation to teacher's institutes, for the instruction of teachers of common schools;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Bloss moved to reconsider the vote on agreeing to print fifteen times the usual number of copies of the report of the committee on agriculture.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Bloss, and it was determined in the negative.

Mr. Bloss moved that fifteen times the usual number of copies of the report of the committee on colleges, academies and common schools, be printed.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Bloss, and it was determined in the affirmative.

Mr. Jones, from the minority of the committee on colleges, academies and common schools, to which was referred so much of the message of the Governor as relates to common schools, the annual report of the Superintendent of Common Schools, and sundry petitions and remonstrances relative to common schools, asked for and obtained leave to bring in a bill, entitled "An act to authorise the supervisors of the several counties in the State to abolish, or not, at their discretion, the office of county superintendent of common schools, and for other purposes;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

By unanimous consent,

Mr. Russell, from the committee on the judiciary, asked for and obtained leave to bring in a bill, entitled "An act to amend the act entitled 'An act to improve the road from Ogdensburgh to Canton in the county of St. Lawrence;'" which was read the first time, and by unanimous consent was also read a second time.

Mr. Russell moved that the said bill be ordered to be engrossed for a third reading.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Russell, and it was determined in the affirmative.

By unanimous consent,

Mr Wilcox presented the petition of Ashbel Palmer, praying for the passage of an act to legalize his acts as justice of the peace; which was read, and referred to the committee on the judiciary.

*Ordered,* That Mr. C. F. Crosby have leave of absence for two days, Mr. Gifford for four days, Mr. Brower for ten days, Mr. T. Buel for twelve days, and Mr. Hammond for ten days.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act amendatory of the act in relation to the election and terms of office of town assessors and commissioners of highways;" the bill entitled "An act to divide the town of New-Paltz;" the bill entitled "An act declaring a part of a branch of the Hudson river, known as Trout brook, a public highway;" the bill entitled "An act to amend an act entitled 'An act for the relief

of Robert Gere and Philo C. Weaver,' passed May 2d, 1844 ;" the bill entitled "An act for the relief of the religious incorporation or society, known as the Corporation of the Berean Baptist Church in the city of New-York ;" and the bill entitled "An act to erect the town of Gardiner in the county of Ulster," and found the same severally correctly engrossed.

*Ordered*, That the said bills do have their third reading.

By unanimous consent, and

In pursuance of previous notice, Mr. Danforth asked for and obtained leave to bring in a bill, entitled "An act imposing personal liability on the stockholders in certain monied and stock companies ;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on banks and insurance companies.

Mr. Frisbee, from the committee on roads and bridges, to which was referred the petition relative to the laying out of a road from Littlefalls to the town of Warren, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Frisbee accordingly brought in the said bill, entitled "An act to lay out a road from the village of Littlefalls to the town of Warren, Herkimer county ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

By unanimous consent,

Mr. D. Lee moved that the bill entitled "An act to amend the act entitled 'An act relative to bridges across the creek commonly called Rœliff Jansen's kill, in the county of Columbia,' " be taken from the general orders, and referred to the committee on roads and bridges, with instructions to report complete.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. D. Lee, and it was determined in the affirmative.

By unanimous consent,

Mr. Van Valkenburgh offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the Assembly chamber be granted, this evening, for the use of Mr. Holbrook, to lecture on the subject of general education.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

By unanimous consent,

Mr. Bloss offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the Assembly chamber be granted to Doctor John M'Cune Smith of the city of New-York, a gentleman of color, to lecture before the members of the House, on the subject of extending the elective franchise to the people of color as to other citizens.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Horton moved that the bill relative to the Northern State Prison be made the special order for four o'clock this afternoon.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Horton, and it was determined in the affirmative.

Mr. L. H. Brown, from the committee on colleges, academies and common schools, to which was referred the bill entitled "An act to incorporate the Mechanics' Literary Association of the village of Canandaigua," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

By unanimous consent,

Mr. Van Valkenburgh moved that sundry petitions, heretofore referred to the committee on railroads, relative to fare and freight on railroads, be taken from said committee, and referred to the committee on canals.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Van Valkenburgh, and it was determined in the affirmative.

Mr. Worden, from the select committee to which was referred the bill entitled "An act for the protection and improvement of the Seneca nation of Indians," with instructions to report the same complete, reported, that the committee had gone through the said bill, and made sundry amendments thereto, and saw no reason why the said amended bill should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

The hour of twelve o'clock at noon having arrived,

The House then again resolved itself into a committee of the whole, on the amendments to the Constitution; and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Jones, from the said committee, reported progress, and asked for and obtained leave to sit again.

The hour of two o'clock having arrived,

The House took a recess until four o'clock this afternoon.

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#### FOUR O'CLOCK P. M.

The House again met.

In pursuance of a special order,

The House then again resolved itself into a committee of the whole, on the bill entitled "An act to amend an act in relation to State prisons, passed May 1, 1844;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. M'Carthy, from the said committee, reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

The Chair announced the appointment of a select committee on the bills reported by the majority and minority of the committee on the



militia and public defence, for the improvement of the militia of this State, to consist of Mr. Carpenter, Mr. Moulton, Mr. Hine, Mr. Hervey, Mr. Hazelton, Mr. M'Key, Mr. Pierce and Mr. S. A. Brown.

On motion of Mr. S. A. Brown,

The House then adjourned to ten o'clock to-morrow morning.

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## THURSDAY, MARCH 27, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Scudder.

The minutes of yesterday were read and approved.

The petition of sundry inhabitants of the county of Montgomery, praying for the establishment of par redemptions in the cities of New-York and Albany, was read, and referred to the committee on banks and insurance companies.

The petition of sundry inhabitants of the city of New-York, praying that an appropriation be made for the new prison in Clinton county, was read, and ordered to be laid on the table.

The petition of sundry inhabitants of the county of Sullivan, praying for the passage of a law for the preservation of game in said county, was read, and referred to the committee on the internal affairs of towns and counties.

The remonstrance of sundry inhabitants of the county of Ontario, against the passage of the bill to amend the charter of the Auburn and Rochester Railroad Company, was read, and referred to the committee on railroads.

The petition of Pomeroy Jones, for himself and comrades, praying for remuneration for services rendered their country in the last war, was read, and referred to the committee on the militia and the public defence.

The petition of one hundred and sixty-seven inhabitants of the county of Seneca, praying for the repeal of the act allowing railroad companies to carry freight, was read, and referred to the committee on canals.

Sixteen several petitions of sundry inhabitants of the counties of Erie, Chautauque and Steuben, praying for an equalization of tolls on the canals in this State, were read, and referred to the committee of the whole when on the bill upon that subject.

Two several remonstrances of sundry inhabitants of the counties of Ulster and Dutchess, against releasing the lien upon the New-York and Erie Railroad Company, except under certain conditions, were read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of one hundred and seven inhabitants of the county of Chenango, against any division of said county, was read, and referred to the committee of the whole when on the bill upon that subject.



The remonstrance of sundry inhabitants of the county of Washington, against the repeal of the law creating the office of county superintendent of common schools, was read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Orleans, praying for the incorporation of a company to construct a railroad from Canandaigua to Corning, was read, and referred to the committee of the whole when on the bill upon that subject.

Two several petitions of sundry inhabitants of the counties of Schoharie and Albany, praying for an alteration of the law of landlord and tenant, were read, and referred to the select committee on that subject.

By unanimous consent,

Mr. Russell moved that the engrossed bill from the Senate, entitled "An act appointing a special term of the court of general sessions of the peace of the county of Delaware," be now read the third time.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Russell, and it was determined in the affirmative.

Whereupon,

The said engrossed bill from the Senate was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The House then resolved itself into a committee of the whole, on the bill entitled "An act in relation to the construction of the New-York and Erie railroad;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Russell, from the said committee, reported progress, and asked for leave to sit again.

Mr. Worden moved that the said bill be referred to a select committee, consisting of one member of assembly from each senate district, and that it retain its priority on the general orders.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Worden, and it was determined in the affirmative.

Mr. Carpenter, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to amend the Revised Statutes, in relation to the enumeration of the inhabitants of the State," and found the same correctly engrossed.

*Ordered*, That the said bill do have its third reading.

The House then resolved itself into a committee of the whole, on the bill entitled "An act to amend an act to incorporate the village of Chittenango;" on the bill entitled "An act in relation to the Newburgh High School;" and on the engrossed bill from the Senate, entitled "An act to increase the capital of the Common School Fund;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. S. A. Brown, from the said committee, reported, that the committee had gone through the bill entitled "An act to amend an act to incorporate the village of Chittenango," made sundry amendments thereto, and agreed to the same; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. S. A. Brown, from the same committee, reported, that the committee had gone through the bill entitled "An act in relation to the

Newburgh High School," made sundry amendments thereto, and agreed to the same; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. S. A. Brown, from the same committee, reported progress on the engrossed bill from the Senate, entitled "An act to increase the capital of the Common School Fund," and asked for and obtained leave to sit again.

On motion of Mr. Coe,

*Ordered*, That the usual number of copies of the said bill, with the amendments offered thereto in committee of the whole, be printed.

The House then resolved itself into a committee of the whole, on the bill entitled "An act for the relief of James D. Treat and others," on the bill entitled "An act to prevent betting on elections," and on the bill entitled "An act for the relief of Evert Yates;" and after some time spent thereon, Mr. Speaker resumed the chair, and announced that the hour of two o'clock had arrived.

Whereupon,

The House took a recess until four o'clock this afternoon.

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#### FOUR O'CLOCK P. M.

The House again met.

The House then again resolved itself into a committee of the whole, on the bill entitled "An act for the relief of James D. Treat and others," on the bill entitled "An act to prevent betting on elections," and on the bill entitled "An act for the relief of Evert Yates;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Oakley, from the said committee, reported, that the committee had gone through the bill entitled "An act for the relief of James D. Treat and others," made an amendment thereto, and agreed to the same; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. Oakley, from the same committee, reported, that the committee had gone through the bill entitled "An act to prevent betting on elections," made sundry amendments thereto, and agreed to the same; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. Oakley, from the same committee, reported, that the committee had gone through the bill entitled "An act for the relief of Evert Yates," and agreed to the same without amendment; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

A message from the Senate, with the bill therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act for the relief of the heirs at law of Darby Haggerty, formerly of the city of New-York, deceased," and request the concurrence of the Assembly in the same.

The said bill was read the first time, and by unanimous consent was

also read a second time, and referred to the committee on the petitions of aliens.

Mr. Hervey, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to amend an act entitled 'An act to enable the dispensaries of the city of New-York to extend their benefits,' passed April 21st, 1841," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

By unanimous consent,

Mr. J. Young moved that the bill entitled "An act to condense and amend the several acts relating to the village of Geneseo," be taken from the general orders, and referred to a select committee to report complete.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. J. Young, and it was determined in the affirmative.

The Chair announced the appointment of Mr. J. Young, Mr. M. Brooks, Mr. Niven, Mr. Oakley and Mr. Fenn, as such select committee.

The House then resolved itself into a committee of the whole, on the bill entitled "An act to provide for the opening and improving the road through the Onondaga Indian reservation;" on the bill entitled "An act for the repeal of an act passed April 23d, 1844, to prevent fishing in Owasco lake certain months of the year;" and on the bill entitled "An act to equalize the expense of building and keeping in repair bridges across the Black river, between the towns of Pamela and Watertown in the county of Jefferson;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Bevens, from the said committee, reported progress on the bill entitled "An act to provide for the opening and improving the road through the Onondaga Indian reservation," and asked for and obtained leave to sit again.

Mr. Bevens, from the same committee, reported, that the committee had examined the bill entitled "An act for the repeal of an act passed April 23d, 1844, to prevent fishing in the Owasco lake certain months of the year," and agreed to strike out the enacting clause thereof; which report was agreed to by the house, and the bill rejected.

Mr. Bevens, from the same committee, reported, that the committee had gone through the bill entitled "An act to equalize the expense of building and keeping in repair bridges across the Black river, between the towns of Pamela and Leray," and agreed to the same without amendment; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

The House then resolved itself into a committee of the whole, on the bill entitled "An act to authorise the Canal Commissioners to take charge of the sidecut canals in the village of Liverpool," on the bill entitled "An act for the relief of Jeremiah Reeves," and on the bill entitled "An act for the relief of Aaron Barnes and John E. Hinman;" and after some time spent thereon, Mr. Speaker resumed the chair, and



Mr. Walrath, from the said committee, reported, that the committee had gone through the bill entitled "An act to authorise the Canal Commissioners to take charge of the sidecut canals in the village of Liverpool," and agreed to the same without amendment; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. Walrath, from the same committee, reported, that the committee had gone through the bill entitled "An act for the relief of Jeremiah Reeves," and agreed to the same without amendment; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. Walrath, from the same committee, reported, that the committee had gone through the bill entitled "An act for the relief of Aaron Barnes and John E. Hinman," and agreed to the same without amendment; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

The House then resolved itself into a committee of the whole, on the bill entitled "An act for the relief of Hiram C. Chapman;" on the bill entitled "An act authorising Henry K. Keys to assume the name of Henry K. Heyden;" and on the bill entitled "An act for the relief of Michael Francisco, a revolutionary soldier;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. C. B. Miller, from the said committee, reported, that the committee had gone through the bill entitled "An act for the relief of Hiram C. Chapman," made sundry amendments thereto, and agreed to the same; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. C. B. Miller, from the same committee, reported, that the committee had gone through the bill entitled "An act authorising Henry K. Keys to assume the name of Henry K. Heyden," and agreed to the same without amendment; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. C. B. Miller, from the same committee, reported, that the committee had gone through the bill entitled "An act for the relief of Michael Francisco, a revolutionary soldier," and agreed to the same without amendment; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

By unanimous consent, and

In pursuance of previous notice, Mr. Wilcox asked for and obtained leave to bring in a bill, entitled "An act to amend an act vesting certain powers in the freeholders and inhabitants of the village of Waterford, passed March 28th, 1805;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the internal affairs of towns and counties.

*Ordered,* That Mr. Wilcox and Mr. Edwards have leave of absence for eight days each.

On motion of Mr. Oakley,

The House then adjourned to ten o'clock to-morrow morning.



## FRIDAY, MARCH 28, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Spicer.

The minutes of yesterday were read and approved.

The petition of sundry inhabitants of the village of Walkill in the county of Orange, praying for the incorporation of said village, was read, and referred to the committee on the incorporation of cities and villages.

The petition of William P. Mansfield of the county of Albany, praying for the passage of a law authorising the Canal Appraisers to estimate his damages, and to release a portion of the old Erie canal abandoned through his premises, was read, and referred to the committee on claims.

The petition of Caleb Corwing Gardner, praying for the passage of a law to change his name to Caleb Corwing, was read, and referred to the committee on the judiciary.

The resolutions of the board of supervisors of the county of Yates, praying for the abolishment of the August term of the court of common pleas and general sessions of the peace of said county, were read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the county of Chenango, praying for an amendment of the charter of the village of Greene in the said county, was read, and referred to the committee on the incorporation of cities and villages.

The petition of sundry inhabitants of the county of Onondaga, praying for a change in the school laws, so as to permit school monies arising from gospel and school funds to be distributed in the month of October in each year, was read, and referred to the committee on colleges, academies and common schools.

The petition of sundry inhabitants of the village of Fredonia in the county of Chautauque, praying for the passage of a law making it imperative on parents and guardians to send their children to school, was read, and referred to the committee on colleges, academies and common schools.

The memorial of the trustees of the village of Syracuse in the county of Onondaga, praying for the passage of a law allowing them to borrow money, as may be necessary, to pay for a lot of ground, and erect a market and other public buildings thereon, was read, and referred to the committee on the internal affairs of towns and counties.

The petition of sundry inhabitants of the county of Allegany, praying for the resumption of work on the suspended canals, was read, and referred to the committee on canals.

Two several remonstrances of sundry inhabitants of the counties of Ontario and Seneca, against the passage of the bill to amend the charter of the Auburn and Rochester Railroad Company, were read, and referred to the committee on railroads.

Two several petitions of sundry inhabitants of the counties of Monroe

and Ontario, praying for the incorporation of a company to construct a railroad from Canandaigua to Corning, were read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of sundry inhabitants of the county of Cayuga, against a discrimination in the tolls on the Oswego and Erie canals, were read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of a public meeting held in the village of West-Troy in the county of Albany, against the erection of a bridge at the city of Albany, was read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of sundry inhabitants of the county of Washington, against abolishing the office of county superintendent of common schools, was read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Cayuga, praying for the incorporation of the American and Foreign Bible Society, was read, and referred to the committee of the whole when on the bill upon that subject.

Mr. Comstock, from the committee on the judiciary, to which was referred the petition of Ashbel Palmer, praying for the passage of an act to confirm his acts as a justice of the peace, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Comstock accordingly brought in the said bill, entitled "An act to confirm the official acts of Ashbel Palmer, a justice of the peace;" which was read the first time, and by unanimous consent was also read a second time.

Mr. Comstock moved that the said bill be ordered to be engrossed for a third reading.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Comstock, and it was determined in the affirmative.

Mr. Frisbee, from the committee on roads and bridges, to which was recommitted the bill entitled "An act to incorporate the Rosendale and New-Paltz Turnpike Company," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Tuthill, from the committee on roads and bridges, to which was recommitted the bill entitled "An act to amend the act entitled 'An act relative to bridges across the creek commonly called Roeliff Jansen's kill, in the county of Columbia,'" with instructions to report complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Garretson, from the committee on charitable and religious societies, to which was referred the engrossed bill from the Senate, entitled

"An act for the relief of the American Seamen's Friend Society in the city of New-York," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to amend an act vesting certain powers in the freeholders and inhabitants of the village of Waterford, passed March 28th, 1805," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. D. Lee, from the committee on agriculture, to which was referred so much of the message of the Governor as relates to the subject of agriculture, asked for and obtained leave to bring in a bill, entitled "An act for the promotion of agricultural science;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Hervey, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to promote the education and moral improvement of minors engaged in the business of navigating the canals of this State," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Worden moved that the said bill be referred to the committee of the whole having charge of the bill for the construction of a bridge over the Hudson at the city of Albany.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Worden, and it was determined in the affirmative.

Mr. Van Valkenburgh, from the committee on railroads, to which was referred the bill entitled "An act to amend an act entitled 'An act relating to the New-York and Harlem Railroad Company,' passed May 7th, 1840," reported, that the committee had gone through the said bill, and made sundry amendments thereto, and saw no reason why the said amended bill should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Constant moved that the said bill be made a special order for Monday next, at four o'clock in the afternoon.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Constant, and it was determined in the affirmative.

Mr. Knapp, from the committee on the public lands, to which was referred the petition of John E. Foley, for relief, reported favorably to the prayer of the petitioner, and asked leave to bring in a bill.

Leave being granted, Mr. Knapp accordingly brought in the said bill, entitled "An act for the relief of John E. Foley;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.



Mr. Ross, from the committee on the incorporation of cities and villages, to which was referred the petition of sundry inhabitants of the village of Walkill in the county of Orange, praying for the incorporation of the said village, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Ross accordingly brought in the said bill, entitled "An act to incorporate the village of Walkill;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Carpenter, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to authorise and require the Canal Commissioners to take charge of the sidecut canals in the village of Liverpool;" the bill entitled "An act to equalize the expense of building and keeping in repair bridges across the Black river, between the towns of Pamela and Watertown in the county of Jefferson;" and the bill entitled "An act for the relief of Evert Yates," and found the same severally correctly engrossed.

*Ordered,* That the said bills do have their third reading.

Mr. Wheeler, from the select committee to which was referred the petition of sundry citizens of the city of New-York, for the passage of an act relative to the landing of alien passengers, reported in writing, and asked leave to bring in a bill.

[See Document No. 216.]

Leave being granted, Mr. Wheeler accordingly brought in the said bill, entitled "An act relative to the landing of alien passengers;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. J. Young, from the select committee to which was referred the bill entitled "An act to punish seduction and adultery, and for other purposes," and the bill entitled "An act to punish seduction and adultery as crimes," with instructions to report the same complete, reported, that the committee had incorporated the same into one bill, entitled "An act to punish seduction and adultery, and for other purposes," and made sundry amendments thereto, and saw no reason why the said amended bill should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. J. Young, from the select committee to which was referred the bill entitled "An act to condense and amend the several acts relating to the village of Geneseo," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered,* That the said bill be engrossed for a third reading.

By unanimous consent,

Mr. S. A. Brown, from the committee on the petitions of aliens, to  
[ASSEMBLY JOURNAL.]



which was referred the engrossed bill from the Senate, entitled "An act for the relief of the heirs at law of Darby Haggerty, formerly of the city of New-York, deceased," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Wheeler moved that the said bill be ordered to have its third reading.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Wheeler, and it was determined in the affirmative.

The report of the Canal Board, in relation to the change of plan of constructing locks on the Genesee Valley canal, was received, read, and referred to the committee on canals.

[See Document No. 202.]

The engrossed bill entitled "An act for the further relief of the New-York Eye and Ear Infirmary," having been read the third time on a previous day,

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 104 }  
{ NAYS 00 }

Those who voted in the affirmative are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Barber      | Mr. G. Goold   | Mr. Pierce          |
| Mr. Betts       | Mr. Gregory    | Mr. Porter          |
| Mr. Bevens      | Mr. Hannum     | Mr. Preston         |
| Mr. Billings    | Mr. Harris     | Mr. Raymond         |
| Mr. Bloss       | Mr. Hazelton   | Mr. Rice            |
| Mr. Boughton    | Mr. Heermans   | Mr. Ross            |
| Mr. Bowen       | Mr. Hervey     | Mr. Russell         |
| Mr. J. Brooks   | Mr. Hine       | Mr. Sager           |
| Mr. M. Brooks   | Mr. Horton     | Mr. Salisbury       |
| Mr. L. H. Brown | Mr. Howard     | Mr. Searing         |
| Mr. S. A. Brown | Mr. Huntington | Mr. Sherman         |
| Mr. Bunker      | Mr. Jarvis     | Mr. W. Smith        |
| Mr. Burdick     | Mr. Johnson    | Mr. Speaker         |
| Mr. Bush        | Mr. Jones      | Mr. Spring          |
| Mr. Carpenter   | Mr. Kinne      | Mr. J. Stevenson    |
| Mr. Casner      | Mr. Knapp      | Mr. R. L. Stevenson |
| Mr. Chase       | Mr. D. Lee     | Mr. Strobridge      |
| Mr. Coe         | Mr. Litchfield | Mr. Sweeney         |
| Mr. Collins     | Mr. Long       | Mr. Tefft           |
| Mr. Comstock    | Mr. M'Carthy   | Mr. Thayer          |
| Mr. Constant    | Mr. M'Donald   | Mr. Thompson        |
| Mr. Crain       | Mr. M'Key      | Mr. Tibbits         |

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. C. F. Crosby | Mr. M'Vean       | Mr. Titus           |
| Mr. E. Crosby    | Mr. Mann         | Mr. Tuthill         |
| Mr. Danforth     | Mr. Mather       | Mr. Van Schoonhoven |
| Mr. De Puy       | Mr. Mersereau    | Mr. Van Valkenburgh |
| Mr. Dewey        | Mr. C. B. Miller | Mr. Walrath         |
| Mr. Dickson      | Mr. S. Miller    | Mr. Wells           |
| Mr. Fellows      | Mr. Morris       | Mr. Wheeler         |
| Mr. Fenn         | Mr. Morrison     | Mr. White           |
| Mr. Field        | Mr. Moulton      | Mr. Worden          |
| Mr. Fonda        | Mr. Newkirk      | Mr. Wyckoff         |
| Mr. Frisbee      | Mr. Niven        | Mr. Wynant          |
| Mr. Garretson    | Mr. Oakley       | Mr. J. Young        |
| Mr. D. Gould     | Mr. Pardee       |                     |

104

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to impose tolls on the Mohawk and Hudson Railroad Company," having been read the third time on a previous day,

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 92 }  
{ NAYS 09 }

Those who voted in the affirmative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Barber       | Mr. G. Gould   | Mr. Porter          |
| Mr. Betts        | Mr. Gregory    | Mr. Preston         |
| Mr. Bevens       | Mr. Hannum     | Mr. Raymond         |
| Mr. Bloss        | Mr. Harris     | Mr. Rice            |
| Mr. Boughton     | Mr. Hazelton   | Mr. Ross            |
| Mr. Bowen        | Mr. Heermans   | Mr. Russell         |
| Mr. J. Brooks    | Mr. Hervey     | Mr. Sager           |
| Mr. M. Brooks    | Mr. Hine       | Mr. Salisbury       |
| Mr. L. H. Brown  | Mr. Horton     | Mr. Searing         |
| Mr. S. A. Brown  | Mr. Howard     | Mr. Sherman         |
| Mr. A. H. Buell  | Mr. Huntington | Mr. W. Smith        |
| Mr. Burdick      | Mr. Jarvis     | Mr. Spring          |
| Mr. Bush         | Mr. Johnson    | Mr. J. Stevenson    |
| Mr. Carpenter    | Mr. Jones      | Mr. R. L. Stevenson |
| Mr. Casner       | Mr. Kinne      | Mr. Strobridge      |
| Mr. Coe          | Mr. Knapp      | Mr. Sweeney         |
| Mr. Collins      | Mr. D. Lee     | Mr. Tefft           |
| Mr. Comstock     | Mr. Litchfield | Mr. Thayer          |
| Mr. Crain        | Mr. Long       | Mr. Tibbits         |
| Mr. C. F. Crosby | Mr. M'Carthy   | Mr. Titus           |
| Mr. E. Crosby    | Mr. M'Donald   | Mr. Tuthill         |

|               |                  |                     |
|---------------|------------------|---------------------|
| Mr. Culver    | Mr. M'Key        | Mr. Van Schoonhoven |
| Mr. Danforth  | Mr. M'Vean       | Mr. Wells           |
| Mr. De Puy    | Mr. Mann         | Mr. Wheeler         |
| Mr. Dewey     | Mr. C. B. Miller | Mr. White           |
| Mr. Fenn      | Mr. S. Miller    | Mr. Worden          |
| Mr. Field     | Mr. Morris       | Mr. Wyckoff         |
| Mr. Fonda     | Mr. Morrison     | Mr. Wynant          |
| Mr. Frisbee   | Mr. Newkirk      | Mr. A. W. Young     |
| Mr. Garretson | Mr. Pardee       | Mr. J. Young        |
| Mr. D. Gould  | Mr. Pierce       |                     |

92

Those who voted in the negative are

|              |               |                     |
|--------------|---------------|---------------------|
| Mr. Chase    | Mr. Mersereau | Mr. Speaker         |
| Mr. Constant | Mr. Moulton   | Mr. Thompson        |
| Mr. Mather   | Mr. Oakley    | Mr. Van Valkenburgh |

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to amend an act entitled 'An act to enable the dispensaries of the city of New-York to extend their benefits,' passed April 21st, 1841;" the bill entitled "An act for the relief of Michael Francisco, a revolutionary soldier;" the bill entitled "An act in relation to the Newburgh High School;" the bill entitled "An act to amend an act in relation to State prisons;" the bill entitled "An act to incorporate the Mechanics' Literary Association of the village of Canandaigua;" the bill entitled "An act to authorise the common council of the city of Buffalo to borrow money, and for other purposes;" the bill entitled "An act to condense and amend the several acts relating to the village of Geneseo," and the bill entitled "An act to amend an act entitled 'An act to improve the road from Ogdensburgh to Canton in the county of St. Lawrence,'" and found the same severally correctly engrossed.

*Ordered*, That the said bills do have their third reading.

The engrossed bill entitled "An act to divide the town of New-Paltz," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act for the relief of the American Seamen's Friend Society in the city of New-York," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |      |    |   |
|---|------|----|---|
| } | AYES | 96 | } |
| } | NAYS | 02 | } |

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Harris       | Mr. Preston         |
| Mr. Barber       | Mr. Hazelton     | Mr. Raymond         |
| Mr. Billings     | Mr. Heermans     | Mr. Rice            |
| Mr. Bloss        | Mr. Hervey       | Mr. Ross            |
| Mr. Boughton     | Mr. Hine         | Mr. Russell         |
| Mr. Bowen        | Mr. Horton       | Mr. Sager           |
| Mr. J. Brooks    | Mr. Huntington   | Mr. Salisbury       |
| Mr. M. Brooks    | Mr. Jarvis       | Mr. Searing         |
| Mr. L. H. Brown  | Mr. Johnson      | Mr. Sherman         |
| Mr. S. A. Brown  | Mr. Jones        | Mr. W. Smith        |
| Mr. A. H. Buell  | Mr. Kinne        | Mr. Speaker         |
| Mr. Bunker       | Mr. Knapp        | Mr. Spring          |
| Mr. Burdick      | Mr. D. Lee       | Mr. J. Stevenson    |
| Mr. Carpenter    | Mr. Litchfield   | Mr. R. L. Stevenson |
| Mr. Casner       | Mr. Long         | Mr. Strobbridge     |
| Mr. Chase        | Mr. M'Carthy     | Mr. Sweeney         |
| Mr. Coe          | Mr. M'Donald     | Mr. Tefft           |
| Mr. Collins      | Mr. M'Key        | Mr. Thayer          |
| Mr. Constant     | Mr. M'Vean       | Mr. Thompson        |
| Mr. Crain        | Mr. Mann         | Mr. Tibbits         |
| Mr. C. F. Crosby | Mr. Mather       | Mr. Titus           |
| Mr. Culver       | Mr. Mersereau    | Mr. Tuthill         |
| Mr. Danforth     | Mr. C. B. Miller | Mr. Van Schoonhoven |
| Mr. De Puy       | Mr. S. Miller    | Mr. Van Valkenburgh |
| Mr. Dewey        | Mr. Morrison     | Mr. Walrath         |
| Mr. Dickson      | Mr. Moulton      | Mr. Wells           |
| Mr. Fellows      | Mr. Newkirk      | Mr. Wheeler         |
| Mr. Feun         | Mr. Niven        | Mr. White           |
| Mr. Fonda        | Mr. Oakley       | Mr. Worden          |
| Mr. D. Gould     | Mr. Pardee       | Mr. Wynant          |
| Mr. G. Goold     | Mr. Pierce       | Mr. A. W. Young     |
| Mr. Gregory      | Mr. Porter       | Mr. J. Young        |

96

Those who voted in the negative are

|           |            |
|-----------|------------|
| Mr. Betts | Mr. Howard |
|-----------|------------|

2

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to amend an act in relation to State prisons, passed May 1st, 1844," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to amend the act entitled 'An act to condense and amend the several acts relative to the village of Salina,' passed April 18th, 1843," was read the third time.

Mr. Speaker put the question whether the House would agree to the



final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 98 }  
{ NAYS 00 }

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Frisbee      | Mr. Oakley          |
| Mr. Barber       | Mr. Garretson    | Mr. Pardee          |
| Mr. Betts        | Mr. D. Gould     | Mr. Pierce          |
| Mr. Bevens       | Mr. Hannum       | Mr. Porter          |
| Mr. Billings     | Mr. Harris       | Mr. Preston         |
| Mr. Bloss        | Mr. Hazelton     | Mr. Raymond         |
| Mr. Boughton     | Mr. Heermans     | Mr. Rice            |
| Mr. Bowen        | Mr. Hervey       | Mr. Ross            |
| Mr. J. Brooks    | Mr. Hine         | Mr. Russell         |
| Mr. M. Brooks    | Mr. Horton       | Mr. Sager           |
| Mr. L. H. Brown  | Mr. Howard       | Mr. Salisbury       |
| Mr. S. A. Brown  | Mr. Huntington   | Mr. Searing         |
| Mr. A. H. Buell  | Mr. Jarvis       | Mr. Sherman         |
| Mr. Bunker       | Mr. Johnson      | Mr. W. Smith        |
| Mr. Burdick      | Mr. Jones        | Mr. Speaker         |
| Mr. Carpenter    | Mr. Kinne        | Mr. J. Stevenson    |
| Mr. Casner       | Mr. Knapp        | Mr. R. L. Stevenson |
| Mr. Chase        | Mr. D. Lee       | Mr. Stobridge       |
| Mr. Coe          | Mr. Litchfield   | Mr. Sweeney         |
| Mr. Collins      | Mr. Long         | Mr. Tefft           |
| Mr. Comstock     | Mr. M'Carthy     | Mr. Thayer          |
| Mr. Constant     | Mr. M'Donald     | Mr. Thompson        |
| Mr. Crain        | Mr. M'Key        | Mr. Titus           |
| Mr. C. F. Crosby | Mr. M'Vean       | Mr. Tutbill         |
| Mr. E. Crosby    | Mr. Mann         | Mr. Van Schoonhoven |
| Mr. Culver       | Mr. Mather       | Mr. Walrath         |
| Mr. Danforth     | Mr. Mersereau    | Mr. Wells           |
| Mr. De Puy       | Mr. C. B. Miller | Mr. White           |
| Mr. Dewey        | Mr. S. Miller    | Mr. Worden          |
| Mr. Dickson      | Mr. Morris       | Mr. Wyckoff         |
| Mr. Fellows      | Mr. Morrison     | Mr. A. W. Young     |
| Mr. Field        | Mr. Moulton      | Mr. J. Young        |
| Mr. Fonda        | Mr. Newkirk      |                     |

98

*Ordered,* That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to amend the act entitled 'An act to improve the road from Ogdensburgh to Canton in the county of St. Lawrence,'" was read the third time.

*Resolved,* That the bill do pass.

*Ordered,* That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to authorise the common council of the city of Buffalo to borrow money, and for other purposes," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES    96 }  
 { NAYS    00 }

Those who voted in the affirmative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. Frisbee      | Mr. Oakley          |
| Mr. Barber      | Mr. Garretson    | Mr. Pardee          |
| Mr. Betts       | Mr. D. Gould     | Mr. Pierce          |
| Mr. Bevens      | Mr. G. Goold     | Mr. Porter          |
| Mr. Billings    | Mr. Gregory      | Mr. Preston         |
| Mr. Bloss       | Mr. Hannum       | Mr. Raymond         |
| Mr. Boughton    | Mr. Harris       | Mr. Rice            |
| Mr. Bowen       | Mr. Hazelton     | Mr. Ross            |
| Mr. J. Brooks   | Mr. Heermans     | Mr. Russell         |
| Mr. M. Brooks   | Mr. Hervey       | Mr. Sager           |
| Mr. L. H. Brown | Mr. Hine         | Mr. Salisbury       |
| Mr. S. A. Brown | Mr. Howard       | Mr. Searing         |
| Mr. A. H. Buell | Mr. Huntington   | Mr. Sherman         |
| Mr. Bunker      | Mr. Jarvis       | Mr. W. Smith        |
| Mr. Burdick     | Mr. Johnson      | Mr. Speaker         |
| Mr. Bush        | Mr. Jones        | Mr. J. Stevenson    |
| Mr. Carpenter   | Mr. Kinne        | Mr. R. L. Stevenson |
| Mr. Casner      | Mr. Knapp        | Mr. Strobridge      |
| Mr. Chase       | Mr. D. Lee       | Mr. Sweeney         |
| Mr. Coe         | Mr. Litchfield   | Mr. Tefft           |
| Mr. Comstock    | Mr. Long         | Mr. Thayer          |
| Mr. Constant    | Mr. M'Donald     | Mr. Thompson        |
| Mr. Crain       | Mr. M'Key        | Mr. Tuthill         |
| Mr. E. Crosby   | Mr. M'Vean       | Mr. Van Schoonhoven |
| Mr. Culver      | Mr. Mann         | Mr. Walrath         |
| Mr. Danforth    | Mr. Mather       | Mr. Wells           |
| Mr. De Puy      | Mr. Mersereau    | Mr. Wheeler         |
| Mr. Dewey       | Mr. C. B. Miller | Mr. White           |
| Mr. Dickson     | Mr. S. Miller    | Mr. Worden          |
| Mr. Fellows     | Mr. Morris       | Mr. Wyckoff         |
| Mr. Field       | Mr. Morrison     | Mr. A. W. Young     |
| Mr. Fonda       | Mr. Newkirk      | Mr. J. Young        |

96

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act in relation to the Newburgh High School," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to incorporate the Mechanics' Literary Association of the village of Canandaigua," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |      |    |   |
|---|------|----|---|
| { | AYES | 92 | } |
| { | NAYS | 00 | } |

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. D. Gould     | Mr. Raymond         |
| Mr. Barber       | Mr. G. Goold     | Mr. Rice            |
| Mr. Betts        | Mr. Gregory      | Mr. Ross            |
| Mr. Bevens       | Mr. Hannum       | Mr. Russell         |
| Mr. Billings     | Mr. Harris       | Mr. Sager           |
| Mr. Boughton     | Mr. Hazelton     | Mr. Salisbury       |
| Mr. J. Brooks    | Mr. Heermans     | Mr. Searing         |
| Mr. M. Brooks    | Mr. Hervey       | Mr. Sherman         |
| Mr. L. H. Brown  | Mr. Howard       | Mr. W. Smith        |
| Mr. S. A. Brown  | Mr. Huntington   | Mr. Speaker         |
| Mr. A. H. Buell  | Mr. Jarvis       | Mr. J. Stevenson    |
| Mr. Bunker       | Mr. Jones        | Mr. R. L. Stevenson |
| Mr. Burdick      | Mr. Kinne        | Mr. Strobridge      |
| Mr. Bush         | Mr. Knapp        | Mr. Sweeney         |
| Mr. Casner       | Mr. D. Lee       | Mr. Tefft           |
| Mr. Chase        | Mr. Litchfield   | Mr. Thayer          |
| Mr. Coe          | Mr. Long         | Mr. Thompson        |
| Mr. Collins      | Mr. M'Carthy     | Mr. Tibbits         |
| Mr. Comstock     | Mr. M'Donald     | Mr. Titus           |
| Mr. Constant     | Mr. M'Key        | Mr. Tuthill         |
| Mr. Crain        | Mr. M'Vean       | Mr. Van Schoonhoven |
| Mr. C. F. Crosby | Mr. Mersereau    | Mr. Van Valkenburgh |
| Mr. E. Crosby    | Mr. C. B. Miller | Mr. Walrath         |
| Mr. Culver       | Mr. S. Miller    | Mr. Wells           |
| Mr. Danforth     | Mr. Morris       | Mr. Wheeler         |
| Mr. Dewey        | Mr. Morrison     | Mr. White           |
| Mr. Dickson      | Mr. Niven        | Mr. Worden          |
| Mr. Fellows      | Mr. Oakley       | Mr. Wyckoff         |
| Mr. Fenn         | Mr. Pierce       | Mr. A. W. Young     |
| Mr. Field        | Mr. Porter       | Mr. J. Young        |
| Mr. Garretson    | Mr. Preston      |                     |

92

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act for the relief of Michael Francisco, a revolutionary soldier," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 92 }  
{ NAYS 03 }

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. D. Gould     | Mr. Oakley          |
| Mr. Barber       | Mr. G. Gould     | Mr. Pardee          |
| Mr. Betts        | Mr. Gregory      | Mr. Pierce          |
| Mr. Bevens       | Mr. Hannum       | Mr. Porter          |
| Mr. Billings     | Mr. Harris       | Mr. Preston         |
| Mr. Boughton     | Mr. Hazeltine    | Mr. Raymond         |
| Mr. Bowen        | Mr. Heermance    | Mr. Rice            |
| Mr. J. Brooks    | Mr. Hervey       | Mr. Ross            |
| Mr. M. Brooks    | Mr. Hine         | Mr. Sager           |
| Mr. L. H. Brown  | Mr. Howard       | Mr. Salisbury       |
| Mr. S. A. Brown  | Mr. Huntington   | Mr. Sherman         |
| Mr. A. H. Buell  | Mr. Jarvis       | Mr. W. Smith        |
| Mr. Bunker       | Mr. Johnson      | Mr. J. Stevenson    |
| Mr. Burdick      | Mr. Jones        | Mr. R. L. Stevenson |
| Mr. Bush         | Mr. Kinne        | Mr. Strobbridge     |
| Mr. Casner       | Mr. Knapp        | Mr. Sweeney         |
| Mr. Chase        | Mr. D. Lee       | Mr. Tefft           |
| Mr. Coe          | Mr. Litchfield   | Mr. Thayer          |
| Mr. Collins      | Mr. Long         | Mr. Thompson        |
| Mr. Comstock     | Mr. M'Carthy     | Mr. Titus           |
| Mr. Constant     | Mr. M'Donald     | Mr. Van Schoonhoven |
| Mr. Crain        | Mr. M'Key        | Mr. Van Valkenburgh |
| Mr. C. F. Crosby | Mr. M'Vean       | Mr. Walrath         |
| Mr. E. Crosby    | Mr. Mann         | Mr. Wells           |
| Mr. Culver       | Mr. Mersereau    | Mr. Wheeler         |
| Mr. Danforth     | Mr. C. B. Miller | Mr. White           |
| Mr. Dewey        | Mr. S. Miller    | Mr. Worden          |
| Mr. Fellows      | Mr. Morris       | Mr. Wyckoff         |
| Mr. Fenn         | Mr. Morrison     | Mr. A. W. Young     |
| Mr. Frisbee      | Mr. Moulton      | Mr. J. Young        |
| Mr. Garretson    | Mr. Niven        |                     |

92

Those who voted in the negative are

|             |             |             |   |
|-------------|-------------|-------------|---|
| Mr. Dickson | Mr. Russell | Mr. Speaker | 3 |
|-------------|-------------|-------------|---|

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.



The engrossed bill entitled "An act to amend an act entitled 'An act to enable the dispensaries of the city of New-York to extend their benefits,' passed April 21st, 1841," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 89 }  
 { NAYS 01 }

Those who voted in the affirmative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Bachman      | Mr. Field      | Mr. Newkirk         |
| Mr. Barber       | Mr. Frisbee    | Mr. Niven           |
| Mr. Betts        | Mr. Garretson  | Mr. Oakley          |
| Mr. Bevens       | Mr. D. Gould   | Mr. Porter          |
| Mr. Bloss        | Mr. G. Goold   | Mr. Preston         |
| Mr. Boughton     | Mr. Hannum     | Mr. Raymond         |
| Mr. Bowen        | Mr. Harris     | Mr. Rice            |
| Mr. J. Brooks    | Mr. Hazelton   | Mr. Ross            |
| Mr. M. Brooks    | Mr. Heermans   | Mr. Sager           |
| Mr. L. H. Brown  | Mr. Hervey     | Mr. Salisbury       |
| Mr. S. A. Brown  | Mr. Hine       | Mr. Searing         |
| Mr. A. H. Buell  | Mr. Howard     | Mr. Sherman         |
| Mr. Bunker       | Mr. Huntington | Mr. W. Smith        |
| Mr. Burdick      | Mr. Johnson    | Mr. Speaker         |
| Mr. Bush         | Mr. Jones      | Mr. J. Stevenson    |
| Mr. Casner       | Mr. Kinne      | Mr. Strobbridge     |
| Mr. Chase        | Mr. Knapp      | Mr. Tefft           |
| Mr. Coe          | Mr. D. Lee     | Mr. Thayer          |
| Mr. Collins      | Mr. Litchfield | Mr. Thompson        |
| Mr. Comstock     | Mr. Long       | Mr. Van Schoonhoven |
| Mr. Constant     | Mr. M'Carthy   | Mr. Van Valkenburgh |
| Mr. Crain        | Mr. M'Donald   | Mr. Walrath         |
| Mr. C. F. Crosby | Mr. M'Key      | Mr. Wells           |
| Mr. E. Crosby    | Mr. M'Vean     | Mr. Wheeler         |
| Mr. Culver       | Mr. Mann       | Mr. White           |
| Mr. Danforth     | Mr. Mersereau  | Mr. Worden          |
| Mr. Dewey        | Mr. S. Miller  | Mr. Wyckoff         |
| Mr. Dickson      | Mr. Morris     | Mr. A. W. Young     |
| Mr. Fellows      | Mr. Morrison   | Mr. J. Young        |
| Mr. Fenn         | Mr. Moulton    |                     |

89

For the negative,

Mr. Titus

1

*Ordered,* That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act for the collection of taxes in the city of Albany," and found the same correctly engrossed.

*Ordered,* That the said bill do have its third reading.

The engrossed bill from the Senate, entitled "An act for the relief of the heirs at law of Darby Haggerty, formerly of the city of New-York, deceased," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 95 }  
{ NAYS 00 }

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Barber       | Mr. D. Gould     | Mr. Pardee          |
| Mr. Betts        | Mr. G. Goold     | Mr. Pierce          |
| Mr. Bevins       | Mr. Gregory      | Mr. Porter          |
| Mr. Bloss        | Mr. Hannum       | Mr. Preston         |
| Mr. Boughton     | Mr. Harris       | Mr. Raymond         |
| Mr. Bowen        | Mr. Hazelton     | Mr. Rice            |
| Mr. J. Brooks    | Mr. Heermans     | Mr. Ross            |
| Mr. M. Brooks    | Mr. Hervey       | Mr. Sager           |
| Mr. L. H. Brown  | Mr. Hine         | Mr. Salisbury       |
| Mr. S. A. Brown  | Mr. Howard       | Mr. Searing         |
| Mr. A. H. Buell  | Mr. Johnson      | Mr. Sherman         |
| Mr. Bunker       | Mr. Jones        | Mr. W. Smith        |
| Mr. Burdick      | Mr. Kinne        | Mr. Speaker         |
| Mr. Bush         | Mr. Knapp        | Mr. J. Stevenson    |
| Mr. Casner       | Mr. D. Lee       | Mr. Strobridge      |
| Mr. Chase        | Mr. Litchfield   | Mr. Sweeney         |
| Mr. Coe          | Mr. Long         | Mr. Tefft           |
| Mr. Collins      | Mr. M'Carthy     | Mr. Thayer          |
| Mr. Comstock     | Mr. M'Donald     | Mr. Thompson        |
| Mr. Constant     | Mr. M'Key        | Mr. Titus           |
| Mr. Crain        | Mr. M'Vean       | Mr. Tuthill         |
| Mr. C. F. Crosby | Mr. Mann         | Mr. Van Schoonhoven |
| Mr. E. Crosby    | Mr. Mather       | Mr. Van Valkenburgh |
| Mr. Culver       | Mr. Mersereau    | Mr. Walrath         |
| Mr. Danforth     | Mr. C. B. Miller | Mr. Wells           |
| Mr. Dewey        | Mr. S. Miller    | Mr. Wheeler         |
| Mr. Dickson      | Mr. Morris       | Mr. White           |
| Mr. Fellows      | Mr. Morrison     | Mr. Worden          |
| Mr. Fenn         | Mr. Moulton      | Mr. Wyckoff         |
| Mr. Field        | Mr. Newkirk      | Mr. A. W. Young     |
| Mr. Frisbee      | Mr. Niven        | Mr. J. Young        |
| Mr. Garretson    | Mr. Oakley       |                     |

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

By unanimous consent,

Mr. Russell moved that the bill entitled "An act to amend the Revised Statutes, in relation to the enumeration of the inhabitants of this State," be read the third time.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Russell, and it was determined in the affirmative.

Whereupon,

The said bill was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The hour of twelve o'clock at noon having arrived, the Chair announced the special order of the House, being the consideration of the amendments to the Constitution.

The House then again resolved itself into a committee of the whole, on the amendments to the Constitution; and after some time spent thereon, Mr. Speaker resumed the chair, and announced a message from the Senate.

A message from the Senate, with the bills therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act to confirm the official acts of Azel W. Danforth, supervisor of Philadelphia in the county of Jefferson;" and the bill entitled "An act authorising the New-York and Erie Railroad Company to construct a branch terminating at the village of Newburgh," and request the concurrence of the Assembly in the same.

The said bills were severally read the first time, and by unanimous consent were also read a second time, and the bill entitled "An act to confirm the official acts of Azel W. Danforth, supervisor of Philadelphia in the county of Jefferson," on motion of Mr. Russell, was ordered to have its third reading; and the bill entitled "An act authorising the New-York and Erie Railroad Company to construct a branch terminating at the village of Newburgh," was referred to the committee on railroads.

By unanimous consent,

Mr. Comstock offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That it be referred to the select committee on constitutional amendments to inquire into the expediency of fixing a time for the termination of the debate in committee of the whole, on the several amendments to the Constitution, now in such committee, and to report by resolution or otherwise.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Jones gave notice that he would, at an early day, ask leave to introduce a bill relative to laying a tax on dogs in the county of Queens.

The hour of two o'clock having arrived,

The House took a recess until four o'clock this afternoon.

## FOUR O'CLOCK P. M.

The House again met.

In pursuance of a special order,

The House then resolved itself into a committee of the whole, on the bill entitled "An act authorising the construction of a bridge across Hudson's river at the city of Albany," and on the bill entitled "An act to promote the education and moral improvement of minors engaged in the business of navigating the canals of this State;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Comstock, from the said committee, reported progress on the said bills severally, and asked for and obtained leave to sit again.

The engrossed bill from the Senate, entitled "An act to confirm the official acts of Azel W. Danforth, supervisor of Philadelphia in the county of Jefferson," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The engrossed bill entitled "An act to equalize the expense of building and keeping in repair bridges across the Black river, between the towns of Pamela and Watertown in the county of Jefferson," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill entitled "An act to authorise and require the Canal Commissioners to take charge of the sidecut canals in the village of Liverpool," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill entitled "An act to amend an act entitled 'An act for the relief of Robert Gere and Philo C. Weaver,' passed May 2d, 1844," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill entitled "An act for the relief of Evert Yates," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill entitled "An act amendatory of the act in relation to the election and terms of office of town assessors and commissioners of highways," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill entitled "An act declaring a part of a branch of the Hudson river, known as Trout brook, a public highway," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill entitled "An act to erect the town of Gardiner in the county of Ulster," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bills to the Senate, and request their concurrence in the same.

Mr. Raymond moved a reconsideration of the vote on the passage of



the bill entitled "An act amendatory of the act in relation to the election and terms of office of town assessors and commissioners of highways."

*Ordered*, That the said motion be laid on the table.

*Ordered*, That Mr. Betts have leave of absence for four days, Mr. Tibbits for six days, Mr. Bagg for seven days, Mr. Hervey for six days, Mr. Bunker for five days, Mr. W. Smith for two days, Mr. Wyckoff for four days, Mr. Sherman for five days, Mr. Newkirk for four days, Mr. Heermans for four days, and Mr. Barber for two days.

On motion of Mr. Sweeney,

*Resolved*, That the bill in relation to the Chenango bridge be referred back to the committee on roads and bridges, to report complete.

Mr. Collins moved a reconsideration of the vote on the passage of the bill entitled "An act to amend an act entitled 'An act for the relief of Robert Gere and Philo C. Weaver.'"

*Ordered*, That the said motion be laid on the table.

Mr. Fonda moved a reconsideration of the vote on the passage of the bill entitled "An act for the repeal of the act passed April 23d, 1844, to prevent fishing in Owasco lake."

*Ordered*, That the said motion be laid on the table.

The Chair announced the appointment of a select committee on the bill relative to the construction of the New-York and Erie railroad, to consist of Mr. Worden, Mr. Thompson, Mr. Constant, Mr. Boughton, Mr. Bevins, Mr. Comstock, Mr. Van Valkenburgh and Mr. Frisbee.

On motion of Mr. M. Brooks,

The House then adjourned to ten o'clock to-morrow morning.

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## SATURDAY, MARCH 29, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Scudder.

The minutes of yesterday were read and approved.

The petition of sundry inhabitants of the town of Mansfield in the county of Cattaraugus, praying for the passage of an act to legalize the acts of Henry W. Whipple as highway commissioner of the said town, was read, referred to the committee on the judiciary.

The memorial of sundry inhabitants of the county of Onondaga, praying for constitutional reform, was read, and referred to the select committee on amendments to the Constitution.

By unanimous consent,

Mr. J. Young moved that the bill relative to the removal of cases decided by the Canal Board, to the Supreme Court, by certiorari, be made the special order for Tuesday the eighth of April next, at four o'clock; and that it be taken up and acted upon each succeeding day, at four o'clock, until disposed of.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. J. Young, and it was determined in the affirmative.

Three several petitions of sundry inhabitants of the city of Albany, praying for a modification of the tolls upon the canals, were read, and referred to the committee on ways and means.

The petition of sundry inhabitants of the county of Broome, praying for the passage of a law providing that all lands to be sold for taxes shall be sold in the county where the same are situated, by the treasurer of the county, instead of being sold by the Comptroller, was read, and referred to the committee on ways and means.

The petition of sundry inhabitants of the village of Montgomery in the county of Orange, praying for a modification of the charter of the academy in that village, was read, and referred to the committee on colleges, academies and common schools.

The petition of the managers of the New-York Institution for the Blind, praying for an amendment of their charter, was read, and referred to the committee on charitable and religious societies.

The petition of Z. N. Lewis and others of the town of Rochester in the county of Sullivan, members of the Methodist church, praying for an act of incorporation, was read, and referred to the committee on charitable and religious societies.

The remonstrance of sundry inhabitants of the county of Ontario, against the passage of the bill to amend the charter of the Auburn and Rochester Railroad Company, was read, and referred to the committee on railroads.

The petition of sundry inhabitants of Western New-York, praying for the incorporation of a company to construct a railroad from the head of Seneca lake, to intersect the New-York and Erie railroad at Fairport or Elmira, was read, and referred to the committee on railroads.

Two several petitions of sundry inhabitants of the counties of Albany and Lewis, praying for the completion of the Black River canal, were read, and referred to the committee on canals.

The petition of Isaac S. Yates, praying for compensation for work upon the Erie canal, was read, and referred to the committee on canals.

The petition of Z. Townsend, praying for the passage of an act to punish the breach of the law for the observance of the Sabbath, was read, and referred to the committee on canals.

The remonstrance of sundry inhabitants of the town of Martinsburgh in the county of Lewis, against raising a tax to build a bridge across the Black river, was read, and referred to the committee on roads and bridges.

The remonstrance of the president and trustees of the village of West-Troy in the county of Albany, against the erection of a bridge at the city of Albany, was read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of sundry inhabitants of the county of Otsego, against running any portion of the New-York and Erie railroad into the State of Pennsylvania, was read, and referred to the committee of the whole when on the bill upon that subject.

Two several remonstrances of sundry inhabitants of the counties of

Oswego and Onondaga, against closing the gates on the Erie canal on the Sabbath, were read, and referred to the committee of the whole when on the bill upon that subject.

Three several petitions of sundry inhabitants of the town of Harmony in the county of Chautauque, praying for a division of said town, were read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of sundry inhabitants of the town of Harmony in the county of Chautauque, against any division of said town, was read, and referred to the committee of the whole when on the bill upon that subject.

Two several remonstrances of sundry inhabitants of the counties of Onondaga and Ontario, against abolishing the office of county superintendent of common schools, were read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Cayuga, praying for the incorporation of the American and Foreign Bible Society, was read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of sundry inhabitants of the county of Livingston, against the incorporation of the American and Foreign Bible Society, was read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Ontario, praying for the incorporation of a company to construct a railroad from Canandaigua to Corning, was read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Erie, praying for an equalization of the tolls on the Erie and Oswego canals, was read, and referred to the committee of the whole when on the bill upon that subject.

Mr. E. Crosby, from the committee on banks and insurance companies, to which was referred the petition for an extension of the charter of the Commercial Bank of the city of Albany, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. E. Crosby accordingly brought in the said bill, entitled "An act to extend for a limited period the charter of the Commercial Bank of Albany, and to amend the same;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Raymond, from the committee on the erection and division of towns and counties, to which was referred the petition of sundry inhabitants of the town of Ellenburgh in the county of Clinton, praying for the erection of a new town from part of said town of Ellenburgh, to be called Clinton, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Raymond accordingly brought in the said bill, entitled "An act to erect the town of Clinton;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.



Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to authorise the trustees of the village of Williamsburgh to raise money by loan or tax, to pay certain debts, and to provide for the speedy liquidation and settlement of certain disputed matters and claims in said village," and found the same correctly engrossed.

*Ordered*, That the said bill do have its third reading.

Mr. Frisbee, from the committee on roads and bridges, to which was recommitted the bill entitled "An act in relation to the Chenango bridge," with instructions to report the same complete, reported, that the committee had gone through the said bill, and made an amendment thereto, and saw no reason why the said amended bill should not be passed into a law.

Mr. Morrison moved to refer the said bill to the committee on the judiciary.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Morrison, and it was determined in the affirmative.

Mr. Van Valkenburgh, from the committee on railroads, to which was referred the engrossed bill from the Senate, entitled "An act in relation to carrying the United States mail on railroads," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Van Valkenburgh, from the committee on railroads, to which was referred the engrossed bill from the Senate, entitled "An act authorising the New-York and Erie Railroad Company to construct a branch terminating at the village of Newburgh," reported, that the committee had examined the said bill, and made an amendment thereto, and saw no reason why the said amended bill should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Titus, from the committee on trade and manufactures, to which was referred the petition of W. H. Ludlow, for the incorporation of the Ronkonkame Ice Company, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Titus accordingly brought in the said bill, entitled "An act to incorporate the Ronkonkame Lake Ice Company in Suffolk county;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Coe moved that the engrossed bill from the Senate, entitled "An act authorising the New-York and Erie Railroad Company to construct a branch terminating at the village of Newburgh," be taken from the general orders, and ordered to have its third reading.

Debates were had thereon ; when

Mr. Comstock moved to lay the said motion of Mr. Coe on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Comstock, and it was determined in the affirmative.

The engrossed bill entitled "An act for the relief of the religious in-



corporation or society, known as the Corporation of the Berean Baptist Church in the city of New-York," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 86 }  
 { NAYS 00 }

Those who voted in the affirmative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. G. Goold     | Mr. Pierce          |
| Mr. Bloss       | Mr. Gregory      | Mr. Porter          |
| Mr. Boughton    | Mr. Hannum       | Mr. Preston         |
| Mr. J. Brooks   | Mr. Harris       | Mr. Raymond         |
| Mr. M. Brooks   | Mr. Hazelton     | Mr. Rice            |
| Mr. L. H. Brown | Mr. Hine         | Mr. Sager           |
| Mr. S. A. Brown | Mr. Howard       | Mr. Salisbury       |
| Mr. A. H. Buell | Mr. Huntington   | Mr. Searing         |
| Mr. Burdick     | Mr. Jarvis       | Mr. Speaker         |
| Mr. Bush        | Mr. Johnson      | Mr. Spring          |
| Mr. Casner      | Mr. Jones        | Mr. J. Stevenson    |
| Mr. Chase       | Mr. Kinne        | Mr. R. L. Stevenson |
| Mr. Collins     | Mr. Knapp        | Mr. Strobbridge     |
| Mr. Comstock    | Mr. D. Lee       | Mr. Sweeney         |
| Mr. Constant    | Mr. Litchfield   | Mr. Tefft           |
| Mr. Crain       | Mr. M'Donald     | Mr. Thayer          |
| Mr. E. Crosby   | Mr. M'Key        | Mr. Thompson        |
| Mr. Culver      | Mr. M'Vean       | Mr. Titus           |
| Mr. Danforth    | Mr. Mann         | Mr. Tuthill         |
| Mr. De Puy      | Mr. Mather       | Mr. Van Valkenburgh |
| Mr. Dewey       | Mr. Mersereau    | Mr. Walrath         |
| Mr. Dickson     | Mr. C. B. Miller | Mr. Wells           |
| Mr. Fellows     | Mr. S. Miller    | Mr. Wheeler         |
| Mr. Fenn        | Mr. Morris       | Mr. White           |
| Mr. Field       | Mr. Morrison     | Mr. Worden          |
| Mr. Fonda       | Mr. Moulton      | Mr. Wynant          |
| Mr. Frisbee     | Mr. Niven        | Mr. A. W. Young     |
| Mr. Garretson   | Mr. Oakley       | Mr. J. Young        |
| Mr. D. Gould    | Mr. Pardee       |                     |

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*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. Morrison moved a call of the House.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Morrison, and it was determined in the affirmative.

Mr. Thompson moved a suspension of further proceedings under the call of the House, and that the absent members, who are absent without leave, be directed to make their excuses to the House on their return.

Debates were had thereon; when

Mr. J. Young called for a division of the question.

Mr. Speaker put the question whether the House would agree to so much of the said motion of Mr. Thompson, as relates to a suspension of the proceedings under the call of the House, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to so much of the said motion as directs the members to make excuses on their return, and it was determined in the negative.

By unanimous consent,

Mr. A. H. Buell offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the act authorising the inhabitants of Littlefalls to borrow money, be taken from the general orders, and engrossed for a third reading.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

The House then again resolved itself into a committee of the whole, on the amendments to the Constitution; and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Jones, from the said committee, reported progress, and asked for and obtained leave to sit again.

A message from the Senate, with the bill therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act to amend the act entitled 'An act to condense and amend the several acts relative to the village of Salina,' passed April 18th, 1843," without amendment.

*Ordered*, That the Clerk deliver the said bill to the Governor.

A message from the Senate, with the bill therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act for the relief of certain purchasers of lands in the Oneida reservation in 1840 and 1841," with the amendment thereto therewith delivered.

The said amendment having been read,

Mr. M. Brooks moved that the House do concur in the same.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. M. Brooks, and it was determined in the affirmative.

*Ordered*, That the Clerk return the said bill and amendment to the Senate, and inform them that the Assembly have concurred with them in the said amendment, and amended the bill accordingly.

A message from the Senate, with the bills therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act to amend an act entitled 'An act to provide for the construction of a railroad from Skaneateles to the Auburn and Syracuse railroad,' passed May 19th, 1836, and the several acts amending the same;" the bill entitled "An act for the relief of Claudius C. Coan;" and the bill entitled "An act to amend an act entitled 'An act to reduce the several laws relating particularly to the city of New-York, into one act,'" and request the concurrence of the Assembly in the same.

The said bills were severally read the first time, and by unanimous

consent were also read a second time, and the bill entitled "An act to amend an act entitled 'An act to provide for the construction of a railroad from Skaneateles to the Auburn and Syracuse railroad,' passed May 19th, 1836, and the several acts amending the same," was referred to the committee on railroads; the bill entitled "An act for the relief of Claudius C. Coan," was referred to the committee on claims; and the bill entitled "An act to amend an act entitled 'An act to reduce the several laws relating particularly to the city of New-York, into one act,'" was referred to the committee on the judiciary.

On motion of Mr. Comstock, by unanimous consent,

*Resolved*, That the bill for the relief of John I. Walrath and others, be taken from the general orders, and be made the special order for Tuesday next at four o'clock.

On motion of Mr. Hine, by unanimous consent,

*Resolved*, That the bill to provide for building a bridge across the Walkill at the village of New-Paltz, and the bill concerning the district attorney of the county of Ulster, be referred to a select committee, consisting of the members attending this house from the county of Ulster, to be severally reported complete.

On motion of Mr. D. Lee, by unanimous consent,

*Resolved*, That the bill relating to the Mutual Insurance Company of the city of Buffalo, be referred to a select committee to report complete.

*Ordered*, That Mr. Constant have leave of absence for two days, Mr. Hine for four days, Mr. Searing for seven days, Mr. Pardee for three days, Mr. Preston for seven days, Mr. Bachman for three days, Mr. M'Carthy for four days, Mr. Billings for six days, Mr. Cameron for twelve days, Mr. E. Crosby for five days, and Mr. Edwards for four days.

By unanimous consent,

Mr. A. H. Buell offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill relative to the Manufacturing Company at Leeds, be taken from the general orders, and recommitted to the committee on trade and manufactures.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

By unanimous consent,

Mr. Morrison offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill entitled "An act to regulate the fare of passengers carried on the railroads of this State," be taken from the general orders, and recommitted to the committee on railroads.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

By unanimous consent,

Mr. Van Valkenburgh offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill to prevent the racing and trotting of horses on the Troy road, and for other purposes, be taken from the general

orders, and recommitted to the committee on the internal affairs of towns and counties, with instructions to report the same complete.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

On motion of Mr. C. B. Miller, by unanimous consent,

*Resolved*, That the bill incorporating the Mutual Insurance Company at Sherburne, Chenango county, be referred to the committee on banks and insurance companies, to report complete.

By unanimous consent,

Mr. Worden offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill relative to the fire department in the village of Canandaigua, be taken from the general orders, and referred to the committee on the internal affairs of towns and counties, with instructions to report the same complete.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

On motion of Mr. Thompson, by unanimous consent,

*Resolved*, That the bill entitled "An act to incorporate the Prison Association of New-York," be taken from the general orders, and engrossed for a third reading.

On motion of Mr. Moulton, by unanimous consent,

*Resolved*, That the bill in relation to the trotting of horses in the Third avenue in New-York, be taken from the general orders, and be referred to the committee on the internal affairs of towns and counties, to report complete.

On motion of Mr. Porter, by unanimous consent,

*Resolved*, That the engrossed bill from the Senate, entitled "An act to incorporate the Delaware Turnpike Company," be taken from the general orders, and referred to the committee on roads and bridges, to report complete.

On motion of Mr. Fonda,

The House then adjourned to ten o'clock on Monday morning next.



## MONDAY, MARCH 31, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Sprague.

The minutes of Saturday were read and approved.

The petition of sundry inhabitants of the town of Hanover in the county of Chautauque, praying for an equalization of the tolls on the canals, was read, and referred to the committee on ways and means.

The remonstrance of the Auburn and Syracuse Railroad Company, against any reduction of their rates of passenger fare, was read, and referred to the committee on railroads.

The petition of sundry inhabitants of the town of Grove in the county of Allegany, praying for a discrimination of tolls on the Erie and Oswego canals, was read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the town of Morristown in the county of St. Lawrence, praying for a revision of the militia law, was read, and referred to the committee on the militia and public defence.

The petition of sundry inhabitants of the county of Jefferson, praying for the completion of the Black River canal, was read, and referred to the committee on canals.

The petition of the trustees of the Williamsburgh Lyceum, praying for an act of incorporation, was read, and referred to the committee on colleges, academies and common schools.

The petition of sundry inhabitants of the county of Lewis, praying for the construction of the Black River canal, was read, and referred to the committee on canals.

The memorial of sundry stockholders of the Bank of Dansville, and others, praying for certain specified amendments to the act establishing the business of banking, was read, and referred to the committee on banks and insurance companies.

The petition of sundry inhabitants of the county of Erie, praying for an equalization of tolls between the westerly part of the Erie canal and the Welland canal in Canada, was read, and referred to the committee on canals.

The remonstrance of sundry inhabitants of the town of Manchester in the county of Ontario, against the passage of an act to amend the charter of the Auburn and Rochester Railroad Company, was read, and referred to the committee on railroads.

The petition of sundry inhabitants of the town of Oneonta in the county of Otsego, praying for the alteration of a road, was read, and referred to the committee on roads and bridges.

Nine several petitions of sundry inhabitants of the county of Niagara, praying for a discrimination in the tolls on the canals in this State, were read, and referred to the committee of the whole when on the bill upon that subject.

Seventeen several petitions of sundry inhabitants of the county of

Kings, praying for the incorporation of the American and Foreign Bible Society, were read, and referred to the committee of the whole when on the bill upon that subject.

Five several petitions of sundry inhabitants of the city of New-York, praying for leave to the New-York and Erie Railroad Company to connect their road with roads leading into the State of Pennsylvania; and also for the release of the State lien upon said road, were read, and referred to the committee of the whole when on the bill upon that subject.

The petition of one hundred and nine inhabitants of the county of Allegany, praying for the incorporation of the American and Foreign Bible Society, was read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of two hundred and twenty inhabitants of the county of Montgomery, against closing the canal locks on the Sabbath, was read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of one hundred and sixty inhabitants of the county of Wayne, against closing the canal locks on the Sabbath, was read, and referred to the committee of the whole when on the bill upon that subject.

Two several remonstrances of sundry inhabitants of the counties of Ontario and Saratoga, against abolishing the office of county superintendent of common schools, were read, and referred to the committee of the whole when on the bill upon that subject.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act for the relief of James D. Treat and others;" the bill entitled "An act for the relief of Hiram Chapman and others;" the bill entitled "An act authorising Henry K. Keys to assume the name of Henry K. Heyden;" the bill entitled "An act for the relief of Jeremiah Reeves of the town of Lee in the county of Oneida," and the bill entitled "An act for the relief of Aaron Barnes and John E. Hinman," and found the same severally correctly engrossed.

*Ordered*, That the said bills do have their third reading.

The House then again resolved itself into a committee of the whole, on the amendments to the Constitution; and after some time spent thereon, Mr. Speaker resumed the chair, and announced a message from the Senate.

A message from the Senate, with the bill and amendments therein mentioned, was received and read, informing that the Senate had concurred in the amendments of the Assembly to the bill entitled "An act to amend an act passed April 26th, 1844, entitled 'An act to authorise the board of supervisors of the county of Tompkins to levy a tax on the town of Dryden, to pay expenses of building bridges in said town,'" and amended the same accordingly.

The said amended bill having been examined,

*Ordered*, That the Clerk return the same to the Senate.

A message from the Senate, with the bill therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act to enforce the laws and preserve order," and request the concurrence of the Assembly in the same.

The said bill was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

The report of the Comptroller, in answer to a resolution of the Assembly of the eleventh instant, in relation to auction duties, was received, read, and ordered to be printed and laid on the table.

[See Document No. 208.]

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act for the protection and improvement of the Seneca Indians residing on the Cattaraugus and Allegany reservations in this State," and found the same correctly engrossed.

*Ordered*, That the said bill do have its third reading.

By unanimous consent,

Mr. Morrison, from the committee on railroads, to which was referred the engrossed bill from the Senate, entitled "An act to amend an act entitled 'An act to provide for the construction of a railroad from Skaneateles to the Auburn and Syracuse railroad,' passed May 19th, 1836, and the several acts amending the same," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

By unanimous consent,

Mr. Wheeler presented the petition of David Cohen and other citizens of the city of New-York, praying for the passage of a law defining the rights of pewholders in the Synagogue in Elm-street, to vote; which was read, and referred to the committee on charitable and religious societies.

By unanimous consent,

Mr. C. B. Miller offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That the petition and papers relating to the claim of Merritt Clark and others, be recommitted to the committee on claims.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

A message from the Governor was received and read, in the words following, to wit:

EXECUTIVE CHAMBER, }  
Albany, March 31, 1845. }

TO THE ASSEMBLY.

I have this day approved and signed the bill entitled "An act to amend an act entitled 'An act to condense and amend the several acts relative to the village of Salina,' passed April 18th, 1843."

SILAS WRIGHT.

The hour of two o'clock having arrived,  
The House took a recess until four o'clock this afternoon.

## FOUR O'CLOCK P. M.

The House again met.

By unanimous consent,

Mr. Huntington presented the affidavit of Jonathan Fowler, and moved that it be referred, together with the petition of the said Jonathan Fowler, and the report of the Secretary of State upon the same, to the committee on the militia and public defence.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Huntington, and it was determined in the affirmative.

In pursuance of a special order,

The House then resolved itself into a committee of the whole, on the bill entitled "An act to amend an act relating to the New-York and Harlem Railroad Company, passed May 7th, 1840;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Collins, from the said committee, reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

By unanimous consent,

Mr. Sweeney moved to reconsider the vote on referring the bill relative to the Chenango bridge, to the committee of the whole.

*Ordered*, That the said motion be laid on the table.

The House then resolved itself into a committee of the whole, on the bill entitled "An act to provide for the construction of a railroad from Attica to Hornellsville," and on the bill entitled "An act to provide for the construction of a railroad from the village of Canandaigua in the county of Ontario, to the village of Corning in the county of Steuben;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. C. F. Crosby, from the said committee, reported progress on the said bills severally, and asked for and obtained leave to sit again.

On motion of Mr. Oakley,

The House then adjourned to ten o'clock to-morrow morning.



## TUESDAY, APRIL 1, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Selkirk.

The minutes of yesterday were read and approved.

The petition of William Smith of the county of Chenango, praying for relief, was read, and referred to the committee on grievances.

The petition of sundry inhabitants of the town of Harmony in the county of Chautauque, praying for a division of said town, was read, and referred to the committee on the erection and division of towns and counties.

The petition of the officers of the second division of Infantry, praying for the passage of a law in relation to the militia laws, was read, and referred to the committee on the militia and public defence.

The petition of sundry inhabitants of the county of Tioga, praying for the passage of a law to confirm the official acts of the trustees of the Congregational Society of the town of Spencer, was read, and referred to the committee on the internal affairs of towns and counties.

The petition of sundry inhabitants of the county of Montgomery, praying for the passage of a law in relation to railroad companies, was read, and referred to the committee on railroads.

The remonstrance of the Tonawanda Railroad Company, against the passage of any law to reduce the tolls of fare for passengers, was read, and referred to the committee on railroads.

The petition of the Board of Education in the city of New-York, praying for an amendment of the common school law applicable to the said city, was read, and referred to the committee on colleges, academies and common schools.

The petition of sundry inhabitants of the county of Steuben, praying for the incorporation of the Canandaigua and Corning Railroad Company, was read, and referred to the committee of the whole when on the bill upon that subject.

Three several remonstrances of sundry inhabitants of the counties of Albany and Onondaga, against the abolishment of the office of county superintendent of common schools, were read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of sundry inhabitants of the county of Chenango, against any division of the said county, was read, and referred to the committee of the whole when on the bill upon that subject.

Three several petitions of sundry inhabitants of the town of Chenango in the county of Broome, praying for the passage of the bill before the House, for the division of said town, were read, and referred to the committee of the whole when on the said bill.

Six several petitions of sundry inhabitants of the counties of New-York and Chautauque, praying that the consent of the Legislature may be given to the New-York and Erie Railroad Company to connect their road with roads leading into the State of Pennsylvania, were read, and referred to the committee of the whole when on the bill upon that subject.

Twenty several petitions of sundry inhabitants of the counties of St. Lawrence, Rensselaer, Washington, Erie, Westchester, Steuben, Albany, Wyoming, Chenango, Orleans, Broome, Otsego and Chautauque, praying for the incorporation of the American and Foreign Bible Society, were read, and referred to the committee of the whole when on the bill upon that subject.

Two several petitions of sundry inhabitants of the county of St. Lawrence, praying for the completion of the Black River canal, were read, and referred to the committee on canals.

Eight several petitions of sundry inhabitants of the counties of Albany, Montgomery, Monroe, Allegany, Erie and Chautauque, praying for the passage of a law reducing the tolls on one hundred and fifty-five miles of the Erie canal, were read, and referred to the committee of the whole when on the bill upon that subject.

Nine several remonstrances of sundry inhabitants of the city of New-York, against the erection of a bridge over the Hudson river at the city of Albany, were read, and referred to the committee of the whole when on the bill upon that subject.

Mr. Hammond, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act authorising the inhabitants of Littlefalls to borrow money;" the bill entitled "An act to amend an act to incorporate the village of Chittenango, passed March 15th, 1842;" and the bill entitled "An act to amend an act entitled 'An act relating to bridges across the creek commonly called Roeliff Jansen's kill, in the county of Columbia,'" and found the same severally correctly engrossed.

*Ordered*, That the said bills do have their third reading.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the petition of sundry inhabitants of the county of Tioga, praying for the passage of an act to abolish the office of superintendent of the poor in said county, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Chase accordingly brought in the said bill, entitled "An act to abolish the office of superintendent of the poor in and for the county of Tioga, and for other purposes;" which was read the first time, and by unanimous consent was also read a second time.

Mr. Chase moved that the said bill be recommitted to the committee on the internal affairs of towns and counties, with instructions to report the same complete.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Chase, and it was determined in the affirmative.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was recommitted the bill entitled "An act to annex a part of the town of Hurley in the county of Ulster, to the town of Kingston in said county," reported, that the committee had examined the said bill, and concluded to offer the following resolution, to wit :

*Resolved*, That the bill be rejected.

*Ordered*, That the said resolution be laid on the table.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to prevent the

racing and trotting of horses on any of the several roads, streets or avenues in the city and county of New-York, and for other purposes," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to prevent the racing and trotting of horses on the Albany and Troy macadamized road, and for other purposes," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the petition of sundry inhabitants of the county of Sullivan, relative to the preservation of game in said county, reported unfavorably to the prayer of the petitioners, and offered the following resolution, to wit :

*Resolved*, That the committee on the internal affairs of towns and counties be discharged from the further consideration of the petition for the preservation of game in the county of Sullivan.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. A. H. Buell, from the committee on banks and insurance companies, to which was referred the bill entitled "An act to incorporate the Farmers' Mutual Insurance Company of Erie county," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*. That the said bill be engrossed for a third reading.

Mr. A. H. Buell, from the committee on banks and insurance companies, to which was referred the bill entitled "An act to incorporate the Farmers' Mutual Insurance Company of Sherburne, Chenango county," with instructions to report the same complete, reported, that the committee had examined the said bill, and made an amendment thereto, and saw no reason why the said amended bill should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Thompson, from the committee on charitable and religious societies, to which was referred the petition of sundry citizens of the city of New-York, for an amendment of the charter of the New-York Institution for the Blind, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.



Leave being granted, Mr. Thompson accordingly brought in the said bill, entitled "An act to amend an act entitled 'An act to incorporate the New-York Institution for the Blind,' passed April 21st, 1831 ;" which was read the first time, and by unanimous consent was also read a second time.

Mr. Thompson moved to refer the said bill to a select committee, with instructions to report the same complete.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Thompson, and it was determined in the affirmative.

Mr. Ross, from the committee on the incorporation of cities and villages, to which was referred the petition of sundry inhabitants of the village of Greene in the county of Chenango, praying for an amendment of the charter of said village, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Ross accordingly brought in the said bill, entitled "An act to amend an act entitled 'An act to incorporate the village of Greene,' passed April 12th, 1842 ;" which was read the first time, and by unanimous consent was also read a second time.

Mr. C. B. Miller moved to refer the said bill to a select committee, to report complete.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. C. B. Miller, and it was determined in the affirmative.

Mr. Carpenter, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to prevent the racing and trotting of horses on the Albany and Troy macadamized road, and for other purposes," and found the same correctly engrossed.

*Ordered,* That the said bill do have its third reading.

Mr. Frisbee, from the committee on roads and bridges, to which was referred the engrossed bill from the Senate, entitled "An act to incorporate the Delaware Turnpike Company," with instructions to report the same complete, reported, that the committee had gone through the said bill, and made sundry amendments thereto, and recommended that the said amended bill be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered,* That the said amendments be engrossed, and the bill have its third reading.

Mr. S. A. Brown, from the committee on the petitions of aliens, to which was referred the petition of Calvin and Nathan Burr, for relief, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. S. A. Brown accordingly brought in the said bill, entitled "An act for the relief of Calvin Bnrr and Nathan Burr ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Titus, from the committee on trade and manufactures, to which was recommitted the bill entitled "An act to incorporate a manufacturing company at Leeds in Catskill, Greene county," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.



Mr. A. H. Buell moved that the said bill be ordered to be engrossed for a third reading.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. A. H. Buell, and it was determined in the affirmative.

Mr. Tuthill, from the committee on roads and bridges, to which was referred the petition of sundry inhabitants of the county of Queens, for the passage of an act respecting roads and bridges, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Tuthill accordingly brought in the said bill, entitled "An act to amend the eighty-fifth and eighty-eighth sections of the sixth article of the act regulating highways and bridges in Suffolk, Queens and Kings;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

The engrossed bill entitled "An act authorising Henry K. Keys to assume the name of Henry K. Heyden," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill entitled "An act for the relief of Aaron Barnes and John E. Hinman," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill entitled "An act authorising the inhabitants of Littlefalls to borrow money," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill entitled "An act for the relief of James D. Treat and others," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill entitled "An act for the relief of Hiram Chapman and others," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill entitled "An act to amend the act entitled 'An act relative to bridges across the creek commonly called Rœliff Jansen's kill, in the county of Columbia,'" was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill entitled "An act to amend an act passed April 26th, 1844, entitled 'An act to authorise the board of supervisors of the county of Tompkins to levy a tax on the town of Dryden, to pay expenses of building bridges in said town,'" was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bills to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to amend an act entitled 'An act to enable the trustees of the First Presbyterian Church in Goshen to sell a part of their parsonage lands, for the purposes therein mentioned,' passed April 4th, 1804," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 89 }  
 { NAYS 00 }

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Barber       | Mr. Hannum       | Mr. Porter          |
| Mr. Bevens       | Mr. Harris       | Mr. Raymond         |
| Mr. Bloss        | Mr. Hazelton     | Mr. Rice            |
| Mr. J. Brooks    | Mr. Horton       | Mr. Ross            |
| Mr. M. Brooks    | Mr. Howard       | Mr. Russell         |
| Mr. L. H. Brown  | Mr. Hunt         | Mr. Sager           |
| Mr. S. A. Brown  | Mr. Huntington   | Mr. Salisbury       |
| Mr. A. H. Buell  | Mr. Jarvis       | Mr. W. Smith        |
| Mr. Burdick      | Mr. Johnson      | Mr. Speaker         |
| Mr. Bush         | Mr. Jones        | Mr. Spring          |
| Mr. Carpenter    | Mr. Kinne        | Mr. J. Stevenson    |
| Mr. Casner       | Mr. Knapp        | Mr. R. L. Stevenson |
| Mr. Chase        | Mr. D. Lee       | Mr. Strobbridge     |
| Mr. Coe          | Mr. T. R. Lee    | Mr. Sweeney         |
| Mr. Collins      | Mr. Litchfield   | Mr. Tefft           |
| Mr. Comstock     | Mr. Long         | Mr. Thayer          |
| Mr. Crain        | Mr. M'Donald     | Mr. Thompson        |
| Mr. C. F. Crosoy | Mr. M'Key        | Mr. Titus           |
| Mr. Culver       | Mr. M'Vean       | Mr. Tuthill         |
| Mr. Danforth     | Mr. Mann         | Mr. Van Schoonhoven |
| Mr. Dewey        | Mr. Mather       | Mr. Van Valkenburgh |
| Mr. Fellows      | Mr. Mersereau    | Mr. Walrath         |
| Mr. Fenn         | Mr. C. B. Miller | Mr. Wells           |
| Mr. Field        | Mr. S. Miller    | Mr. Wheeler         |
| Mr. Fonda        | Mr. Morris       | Mr. White           |
| Mr. Frisbee      | Mr. Morrison     | Mr. Wyckoff         |
| Mr. Garretson    | Mr. Moulton      | Mr. Wynant          |
| Mr. D. Gould     | Mr. Niven        | Mr. A. W. Young     |
| Mr. G. Goold     | Mr. Oakley       | Mr. J. Young        |
| Mr. Gregory      | Mr. Pierce       |                     |

89

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to authorise the trustees of the village of Williamsburgh to raise money by loan or tax, to pay certain debts, and to provide for the speedy liquidation and settlement of certain disputed matters and claims in said village," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 91 }  
 { NAYS 00 }

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Barber       | Mr. Hannum       | Mr. Raymond         |
| Mr. Bevens       | Mr. Harris       | Mr. Rice            |
| Mr. Bloss        | Mr. Hazelton     | Mr. Ross            |
| Mr. Boughton     | Mr. Horton       | Mr. Russell         |
| Mr. J. Brooks    | Mr. Howard       | Mr. Sager           |
| Mr. M. Brooks    | Mr. Hunt         | Mr. Salisbury       |
| Mr. L. H. Brown  | Mr. Huntington   | Mr. W. Smith        |
| Mr. S. A. Brown  | Mr. Jarvis       | Mr. Speaker         |
| Mr. A. H. Buell  | Mr. Johnson      | Mr. Spring          |
| Mr. Burdick      | Mr. Jones        | Mr. J. Stevenson    |
| Mr. Bush         | Mr. Kinne        | Mr. R. L. Stevenson |
| Mr. Carpenter    | Mr. Knapp        | Mr. Strobbridge     |
| Mr. Casner       | Mr. D. Lee       | Mr. Sweeney         |
| Mr. Chase        | Mr. T. R. Lee    | Mr. Tefft           |
| Mr. Coe          | Mr. Litchfield   | Mr. Thayer          |
| Mr. Collins      | Mr. Long         | Mr. Thompson        |
| Mr. Comstock     | Mr. M'Donald     | Mr. Titus           |
| Mr. Crain        | Mr. M'Key        | Mr. Tuthill         |
| Mr. C. F. Crosby | Mr. M'Vean       | Mr. Van Schoonhoven |
| Mr. Culver       | Mr. Mather       | Mr. Van Valkenburgh |
| Mr. Danforth     | Mr. Mersereau    | Mr. Walrath         |
| Mr. Dewey        | Mr. C. B. Miller | Mr. Wells           |
| Mr. Dickson      | Mr. S. Miller    | Mr. Wheeler         |
| Mr. Fellows      | Mr. Morris       | Mr. White           |
| Mr. Fenn         | Mr. Morrison     | Mr. Whitney         |
| Mr. Field        | Mr. Moulton      | Mr. Worden          |
| Mr. Frisbee      | Mr. Niven        | Mr. Wyckoff         |
| Mr. Garretson    | Mr. Oakley       | Mr. Wynant          |
| Mr. D. Gould     | Mr. Pierce       | Mr. A. W. Young     |
| Mr. G. Goold     | Mr. Porter       | Mr. J. Young        |
| Mr. Gregory      |                  |                     |

91

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to amend an act to incorporate the village of Chittenango, passed March 15th, 1842," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 93 }  
{ NAYS 00 }

Those who voted in the affirmative are

|            |             |             |
|------------|-------------|-------------|
| Mr. Barber | Mr. Gregory | Mr. Porter  |
| Mr. Bevens | Mr. Hannum  | Mr. Raymond |

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bloss        | Mr. Harris       | Mr. Rice            |
| Mr. Boughton     | Mr. Hazelton     | Mr. Ross            |
| Mr. J. Brooks    | Mr. Horton       | Mr. Russell         |
| Mr. M. Brooks    | Mr. Howard       | Mr. Sager           |
| Mr. L. H. Brown  | Mr. Hunt         | Mr. Salisbury       |
| Mr. S. A. Brown  | Mr. Huntington   | Mr. W. Smith        |
| Mr. A. H. Buell  | Mr. Jarvis       | Mr. Speaker         |
| Mr. Burdick      | Mr. Johnson      | Mr. Spring          |
| Mr. Bush         | Mr. Jones        | Mr. J. Stevenson    |
| Mr. Carpenter    | Mr. Kinne        | Mr. R. L. Stevenson |
| Mr. Casner       | Mr. Knapp        | Mr. Strobidge       |
| Mr. Chase        | Mr. D. Lee       | Mr. Sweeney         |
| Mr. Coe          | Mr. T. R. Lee    | Mr. Tefft           |
| Mr. Collins      | Mr. Litchfield   | Mr. Thayer          |
| Mr. Comstock     | Mr. Long         | Mr. Thompson        |
| Mr. Crain        | Mr. M'Donald     | Mr. Titus           |
| Mr. C. F. Crosby | Mr. M'Key        | Mr. Tuthill         |
| Mr. Culver       | Mr. M'Vean       | Mr. Van Schoonhoven |
| Mr. Danforth     | Mr. Mann         | Mr. Van Valkenburgh |
| Mr. Dewey        | Mr. Mather       | Mr. Walrath         |
| Mr. Dickson      | Mr. Mersereau    | Mr. Wells           |
| Mr. Fellows      | Mr. C. B. Miller | Mr. Wheeler         |
| Mr. Fenn         | Mr. S. Miller    | Mr. White           |
| Mr. Field        | Mr. Morris       | Mr. Whitney         |
| Mr. Fonda        | Mr. Morrison     | Mr. Worden          |
| Mr. Frisbee      | Mr. Moulton      | Mr. Wyckoff         |
| Mr. Garretson    | Mr. Niven        | Mr. Winant          |
| Mr. D. Gould     | Mr. Oakley       | Mr. A. W. Young     |
| Mr. G. Goold     | Mr. Pierce       | Mr. J. Young        |

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The House then proceeded to the consideration of the motion made by Mr. Collins on a previous day, to reconsider the vote on the final passage of the bill entitled "An act to amend an act entitled 'An act for the relief of Robert Gere and Philo C. Weaver,' passed May 2, 1844."

Debates were had thereon; when

Mr. Howard moved to lay the said motion of Mr. Collins on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Howard, and it was determined in the negative.

Debates were again had; when

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Collins, and it was determined in the negative.

Whereupon,

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The bill entitled "An act for the relief of certain purchasers of lands in the Oneida reservation in 1840 and 1841," was returned from the Senate.

*Ordered*, That the Clerk deliver the said bill to the Governor.



The engrossed bill entitled "An act for the relief of Jeremiah Reeves of the town of Lee in the county of Oneida," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES    86 }  
 { NAYS    00 }

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Barber       | Mr. Harris       | Mr. Rice            |
| Mr. Bevens       | Mr. Hazelton     | Mr. Ross            |
| Mr. Bloss        | Mr. Horton       | Mr. Russell         |
| Mr. Boughton     | Mr. Howard       | Mr. Sager           |
| Mr. J. Brooks    | Mr. Hunt         | Mr. Salisbury       |
| Mr. M. Brooks    | Mr. Huntington   | Mr. W. Smith        |
| Mr. L. H. Brown  | Mr. Jarvis       | Mr. Speaker         |
| Mr. S. A. Brown  | Mr. Johnson      | Mr. Spring          |
| Mr. A. H. Buell  | Mr. Jones        | Mr. J. Stevenson    |
| Mr. Burdick      | Mr. Kinne        | Mr. R. L. Stevenson |
| Mr. Bush         | Mr. Knapp        | Mr. Strobridge      |
| Mr. Carpenter    | Mr. D. Lee       | Mr. Sweeney         |
| Mr. Casner       | Mr. T. R. Lee    | Mr. Tefft           |
| Mr. Coe          | Mr. Litchfield   | Mr. Thayer          |
| Mr. Collins      | Mr. Long         | Mr. Thompson        |
| Mr. Comstock     | Mr. M'Donald     | Mr. Titus           |
| Mr. Crain        | Mr. M'Key        | Mr. Tuthill         |
| Mr. C. F. Crosby | Mr. M'Vean       | Mr. Van Schoonhoven |
| Mr. Danforth     | Mr. Mann         | Mr. Van Valkenburgh |
| Mr. Dewey        | Mr. Mersereau    | Mr. Walrath         |
| Mr. Dickson      | Mr. C. B. Miller | Mr. Wells           |
| Mr. Edwards      | Mr. S. Miller    | Mr. Wheeler         |
| Mr. Fellows      | Mr. Morris       | Mr. White           |
| Mr. Field        | Mr. Morrison     | Mr. Whitney         |
| Mr. Frisbee      | Mr. Moulton      | Mr. Worden          |
| Mr. Garretson    | Mr. Oakley       | Mr. Winant          |
| Mr. D. Gould     | Mr. Pierce       | Mr. A. W. Young     |
| Mr. G. Goold     | Mr. Porter       | Mr. J. Young        |
| Mr. Hannum       | Mr. Raymond      |                     |

86

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The hour of twelve o'clock at noon having arrived, the Chair announced the special order of the House, being the consideration of the amendments to the Constitution.

Mr. Crain moved that the House do resolve itself into a committee of the whole on the said amendments.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Crain, and it was determined in the negative.

The engrossed bill entitled "An act to prevent the racing and trotting of horses on the Albany and Troy macadamized road, and for other purposes," was read the third time.

Mr. C. F. Crosby moved that the said bill be recommitted to the committee on the internal affairs of towns and counties, with instructions to report the same with the omission of the second and third sections.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. C. F. Crosby, and it was determined in the negative.

The question then recurred on the passage of the said bill.

Debates were had thereon ; when

Mr. Jones called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

{ AYES 66 }  
{ NAYS 17 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Barber       | Mr. Gregory      | Mr. Porter          |
| Mr. Bevins       | Mr. Harris       | Mr. Raymond         |
| Mr. Bloss        | Mr. Hazelton     | Mr. Rice            |
| Mr. J. Brooks    | Mr. Howard       | Mr. Ross            |
| Mr. S. A. Brown  | Mr. Huntington   | Mr. Salisbury       |
| Mr. A. H. Buell  | Mr. Johnson      | Mr. R. L. Stevenson |
| Mr. Carpenter    | Mr. Jones        | Mr. Sweeney         |
| Mr. Casner       | Mr. Kinne        | Mr. Tefft           |
| Mr. Chase        | Mr. Knapp        | Mr. Thompson        |
| Mr. Collins      | Mr. T. R. Lee    | Mr. Titus           |
| Mr. Comstock     | Mr. Long         | Mr. Tuthill         |
| Mr. C. F. Crosby | Mr. M'Key        | Mr. Van Schoonhoven |
| Mr. Danforth     | Mr. M'Vean       | Mr. Walrath         |
| Mr. Dewey        | Mr. Mann         | Mr. Wells           |
| Mr. Fellows      | Mr. Mather       | Mr. Wheeler         |
| Mr. Fenn         | Mr. Mersereau    | Mr. White           |
| Mr. Field        | Mr. C. B. Miller | Mr. Whitney         |
| Mr. Fonda        | Mr. S. Miller    | Mr. Worden          |
| Mr. Frisbee      | Mr. Morris       | Mr. Wyckoff         |
| Mr. Garretson    | Mr. Morrison     | Mr. Wynant          |
| Mr. D. Gould     | Mr. Moulton      | Mr. A. W. Young     |
| Mr. G. Goold     | Mr. Pierce       | Mr. J. Young        |

Those who voted in the negative are

|              |                |                     |
|--------------|----------------|---------------------|
| Mr. Boughton | Mr. Jarvis     | Mr. Sager           |
| Mr. Burdick  | Mr. D. Lee     | Mr. W. Smith        |
| Mr. Culver   | Mr. Litchfield | Mr. J. Stevenson    |
| Mr. De Puy   | Mr. M'Donald   | Mr. Strobbridge     |
| Mr. Hannum   | Mr. Oakley     | Mr. Van Valkenburgh |
| Mr. Hunt     | Mr. Russell    |                     |

17

Whereupon,

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the negative.

} AYES 27 }  
 } NAYS 59 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |               |                     |
|-----------------|---------------|---------------------|
| Mr. Barber      | Mr. D. Gould  | Mr. Moulton         |
| Mr. Bevens      | Mr. Gregory   | Mr. Porter          |
| Mr. Boughton    | Mr. Hazelton  | Mr. Raymond         |
| Mr. Bowen       | Mr. Horton    | Mr. Russell         |
| Mr. A. H. Buell | Mr. Jones     | Mr. Sweeney         |
| Mr. Carpenter   | Mr. T. R. Lee | Mr. Van Schoonhoven |
| Mr. Chase       | Mr. Mann      | Mr. Walrath         |
| Mr. Collins     | Mr. Morris    | Mr. Wells           |
| Mr. Fellows     | Mr. Morrison  | Mr. J. Young        |

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Those who voted in the negative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bloss        | Mr. Howard       | Mr. Sager           |
| Mr. J. Brooks    | Mr. Hunt         | Mr. Salisbury       |
| Mr. L. H. Brown  | Mr. Huntington   | Mr. W. Smith        |
| Mr. S. A. Brown  | Mr. Jarvis       | Mr. Spring          |
| Mr. Burdick      | Mr. Johnson      | Mr. R. L. Stevenson |
| Mr. Casner       | Mr. Kinne        | Mr. Strobbridge     |
| Mr. Coe          | Mr. D. Lee       | Mr. Tefft           |
| Mr. Comstock     | Mr. Litchfield   | Mr. Thayer          |
| Mr. C. F. Crosby | Mr. Long         | Mr. Thompson        |
| Mr. Culver       | Mr. M'Donald     | Mr. Titus           |
| Mr. Danforth     | Mr. M'Key        | Mr. Tuthill         |
| Mr. De Puy       | Mr. M'Vean       | Mr. Van Valkenburgh |
| Mr. Dewey        | Mr. Mather       | Mr. Wheeler         |
| Mr. Fenn         | Mr. Mersereau    | Mr. White           |
| Mr. Field        | Mr. C. B. Miller | Mr. Whitney         |
| Mr. Frisbee      | Mr. S. Miller    | Mr. Worden          |
| Mr. Garretson    | Mr. Oakley       | Mr. Wyckoff         |
| Mr. G. Goold     | Mr. Pierce       | Mr. Wynant          |
| Mr. Hannum       | Mr. Rice         | Mr. A. W. Young     |
| Mr. Harris       | Mr. Ross         |                     |

59

Mr. Harris moved a reconsideration of the said vote.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Harris, and it was determined in the affirmative.

Mr. D. Lee moved to recommit the said bill to the committee on the internal affairs of towns and counties, with instructions to report the same with the omission of the second and third sections.

Debates were had thereon ; when

Mr. Coe moved to lay the said motion of Mr. D. Lee on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Coe, and it was determined in the affirmative.

The engrossed bill entitled "An act for the protection and improvement of the Seneca Indians residing on the Cattaraugus and Allegany reservations in this State," was read the third time.

By unanimous consent,

Mr. J. Stevenson moved to amend the sixth section of the said bill, by inserting in the eighth line the words "shall choose one of their number," instead of "may choose any chief or any white man ;" and also by substituting in the twelfth line the words "shall be," for "may be either a white man or."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. J. Stevenson, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to the final passage of the said bill, as amended, and it was determined in the affirmative.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. J. Young moved to suspend the order of business.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. J. Young, and it was determined in the affirmative.

Mr. J. Young offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the select committee to which was referred the bill entitled "An act to recommend a Convention of the People of this State," be required to report such bill on Wednesday next, at eleven o'clock in the forenoon.

*Ordered*, That the said resolution be laid on the table.

In pursuance of previous notice, Mr. S. A. Brown asked for and obtained leave to bring in a bill, entitled "An act in relation to the duties of supreme court commissioners residing in the county of Chautauque," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Jones asked for and obtained leave to bring in a bill, entitled "An act relative to taxing dogs in the county of Queens;" which was read the first time, and by unanimous consent was also read a second time.

Mr. Jones moved to refer the said bill to the committee on grievances, with instructions to report the same complete.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Jones, and it was determined in the affirmative.



Mr. Oakley offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the clerk of the Marine Court of the city of New-York furnish this House, under oath, a statement of the amount of fees, charges and receipts for services in said court by the judges thereof, or the clerks thereof, as the same have from time to time been made up for division among the judges and clerks, and the services for which such moneys were received for the last three years, and a list of the costs now charged for various services, and whether any or all of such charges are included in the judgments rendered in said court.

*Ordered*, That the said resolution be laid on the table.

Mr. Bush offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the select committee to which was referred the bills in relation to the militia, be instructed to report a bill abolishing the whole militia system of this State, so far as the same can be done without infringing upon the constitutional rights of Congress.

*Ordered*, That the said resolution be laid on the table.

The House then proceeded to the consideration of the resolution from the Senate, which is in the words following, to wit :

*Resolved*, (if the Assembly concur,) That both branches of the Legislature will adjourn on the eighth day of April next, at twelve o'clock at noon.

On motion of Mr. D. Lee,

*Ordered*, That the said resolution be laid on the table.

Mr. Bloss offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the select committee on the amendments to the Constitution be directed to report to the House on Tuesday next, the proposed amendment referred to them, providing for the abolition of the property qualification, now made necessary for the exercise of the right of suffrage by colored persons.

*Ordered*, That the said resolution be laid on the table.

A message from the Senate, with the bill therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act relative to pilots and pilotage by the way of Sandyhook," without amendment.

*Ordered*, That the Clerk deliver the said bill to the Governor.

On motion of Mr. Porter,

*Resolved*, That the committee of the whole be discharged from the further consideration of the bill for the relief of Sage, Walrath and Dunham, and that it be referred to the committee of the whole having charge of the bill for the relief of Abiel Paine.

The House then proceeded to the consideration of the resolution heretofore offered by Mr. Horton, in the words following, to wit :

*Resolved*, That the late president of the New-York State Agricultural Society, be, and he is hereby requested to transmit to this House the transactions of said society for 1844, and the accompanying documents ; and that the Clerk transmit a copy of this resolution to said officer.

On motion of Mr. Comstock,

*Ordered*, That the said resolution be laid on the table.

Mr. C. F. Crosby offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the rule or order of this House, restricting debate upon all questions under discussion in committee of the whole, except the proposed amendments to the Constitution, to the period of one hour, be so modified as to exclude from its operation the debate upon the bill providing for the construction of a bridge across the Hudson at Albany, and the bill providing for discriminating tolls.

*Ordered*, That the said resolution be laid on the table.

Mr. Long offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill to incorporate the village of Ebenezer, and the bill to incorporate the Community of True Inspiration, be taken from the general orders, and referred to a select committee to report complete.

Mr. M. Brooks moved to lay the said resolution on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. M. Brooks, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Salisbury offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That on and after the second day of April, the House take a recess at half past one o'clock in the afternoon.

*Ordered*, That the said resolution be laid on the table.

Mr. Bloss gave notice that he would, at an early day, introduce a bill to prevent the cars travelling on the railroads on the first day of the week, commonly called the Christian Sabbath.

Mr. C. F. Crosby offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill incorporating the fire department of West-Troy, be referred to the committee on the internal affairs of towns and counties, to report complete.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

On motion of Mr. Harris,

*Resolved*, That the bill to extend the charter of the Commercial Bank of the city of Albany, be made the special order for Monday next.

On motion of Mr. D. Lee,

*Resolved*, That the bill to incorporate the Buffalo and Lancaster Plank Road Company, be taken from the general orders, and referred to a select committee to report complete.

Mr. C. F. Crosby moved that the House adjourn.

Mr. Speaker put the question whether the House would agree to the said motion, and it was determined in the affirmative.

The House then adjourned to ten o'clock to-morrow morning.

## WEDNESDAY, APRIL 2, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Sprague.

The minutes of yesterday were read and approved.

The petition of sundry inhabitants of the county of Genesee, praying for the passage of an act to legalize the acts of Jonathan Lay, as justice of the peace of the town of Stafford in said county, was read, and referred to the committee on the judiciary.

The resolutions adopted at a general town meeting, by the electors of the town of Stockbridge in the county of Madison, in relation to the enlargement of the powers of justices of the peace, were read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the county of Montgomery, praying for the passage of a law in relation to certain inquiries of railroad companies, was read, and referred to the committee on railroads.

The memorial of the common council of the city of Albany, praying for the repeal of an act passed May 16th, 1837, relating to the Albany basin, was read, and referred to the committee on canals.

The remonstrance of sundry inhabitants of the town of Greene in the county of Chenango, against any amendment of the charter of said village, was read, and referred to the committee on the incorporation of cities and villages.

The petition of sundry inhabitants of the county of Schoharie, praying for an alteration of the law of landlord and tenant, was read, and referred to the select committee on that subject.

The resolutions adopted in the town of Smyrna in the county of Chenango, in favor of abolishing the office of county superintendent of common schools, and remonstrating against any division of said county, were read, and referred to the committee of the whole when on the respective bills upon those subjects.

Thirteen several remonstrances of sundry inhabitants of the city of New-York, against the erection of a bridge over the Hudson river at the city of Albany, were read, and referred to the committee of the whole when on the bill upon that subject.

Thirteen several petitions of sundry inhabitants of the counties of Cortland, Schenectady, Greene, Livingston, Kings, Wayne, Oneida, Otsego, New-York, Monroe and Saratoga, praying for the incorporation of the American and Foreign Bible Society, were read, and referred to the committee of the whole when on the bill upon that subject.

Six several remonstrances of sundry inhabitants of the counties of Schoharie and Otsego, against running any portion of the New-York and Erie railroad into the State of Pennsylvania, were read, and referred to the committee of the whole when on the bill upon that subject.

Five several petitions of sundry inhabitants of the county of Niagara, praying for a discrimination of tolls on the Erie canal, were read, and referred to the committee of the whole when on the bill upon that subject.



Two several petitions of sundry inhabitants of the counties of Chautauque and Chemung, praying for the incorporation of a company to construct a railroad from the head of Seneca lake, to intersect the New-York and Erie railroad near Fairport or Elmira, were read, and referred to the committee on railroads.

The remonstrance of sundry inhabitants of the county of Wayne, against any discrimination of canal tolls, was read, and referred to the committee of the whole when on the bill upon that subject.

Two several petitions of sundry inhabitants of the counties of Orange and Allegany, praying for a reform in the common school laws, were read, and referred to the committee on colleges, academies and common schools.

The petition of sundry inhabitants of the county of Steuben, praying for the incorporation of a company to construct a railroad from Canandaigua, to unite with the New-York and Erie railroad at some point in the county of Steuben, was read, and referred to the committee of the whole when on the bill upon that subject.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to abolish the office of superintendent of the poor in and for the county of Tioga, and for other purposes," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the petition of sundry inhabitants of the county of Tioga, praying for the passage of an act to confirm the official acts of the trustees of the Congregational Society of the town of Spencer, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Chase accordingly brought in the said bill, entitled "An act concerning the Congregational Society of the town of Spencer;" which was read the first time, and by unanimous consent was also read a second time.

Mr. Chase moved that the said bill be recommitted to the committee on the internal affairs of towns and counties, with instructions to report the same complete.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Chase, and it was determined in the affirmative.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to incorporate the Fire Department in the village of West-Troy," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered,* That the said bill be engrossed for a third reading.



Mr. Frisbee, from the committee on roads and bridges, to which was referred the petition of sundry inhabitants of the town of Oneonta in the county of Otsego, for an alteration of a road, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Frisbee accordingly brought in the said bill, entitled "An act to amend the charter of the Oneonta and Franklin Turnpike Company ;" which was read the first time, and by unanimous consent was also read a second time.

Mr. Niven moved that the said bill be ordered to be engrossed for a third reading.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Niven, and it was determined in the affirmative.

Mr. Frisbee, from the committee on roads and bridges, to which was recommitted the bill entitled "An act to incorporate the Buffalo and Lancaster Plank Road Company," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Frisbee, from the committee on roads and bridges, to which was recommitted the bill entitled "An act to incorporate the village of Ebenezer in the county of Erie," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Tefft, from the committee on claims, to which was referred the petition of John Lafay and Joshua W. Clemens, for relief, reported unfavorably to the prayer of the petitioners, and offered the following resolution, to wit :

*Resolved*, That the committee on claims be discharged from the further consideration of the petition of John Lafay and Joshua W. Clemens.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the engrossed bill from the Senate, entitled "An act to enforce the laws and preserve order," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

On motion of Mr. T. R. Lee,

*Ordered*, That the said bill be laid on the table.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the engrossed bill from the Senate, entitled "An act relating to elections in the city of Troy," reported, that the committee had examined the said bill, and made sundry amendments thereto, and saw no reason why the said amended bill should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the petition of Stewart Skillman and Sarah L. Skillman, for the passage of an act authorising them to change their names, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. T. R. Lee accordingly brought in the said bill, entitled "An act to change the names of Stewart Skillman and Sarah L. Skillman ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the petition of Caleb Corning Gardner, for the passage of an act to authorise him to change his name, reported favorably to the prayer of the petitioner, and asked leave to bring in a bill.

Leave being granted, Mr. T. R. Lee accordingly brought in the said bill, entitled "An act to change the name of Caleb Corning Gardner ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the petition of sundry inhabitants of the county of Albany, for the passage of an act to increase the compensation of jurors and witnesses, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. T. R. Lee accordingly brought in the said bill, entitled "An act in relation to jurors and witnesses in the city and county of Albany ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the petition of E. G. R. Smith, for the passage of an act to change his name ; the petition of Edward Simons Watson, for the passage of an act to change his name ; the petition of sundry mechanics and other inhabitants of the county of Herkimer, for the passage of an act relative to liens ; the petition of sundry inhabitants of the village of Mansfield in the county of Cattaraugus, for the passage of an act to legalize the acts of Henry W. Whipple ; the petition to discontinue three of the four Supreme Court clerk's offices ; the petition of sundry inhabitants of the county of Broome, for a modification of the law relative to imprisonment for costs ; the petition of sundry inhabitants of the town of Brighton in the county of Monroe, relative to the powers of the trustees of certain school districts ; the petition of sundry inhabitants of the village of Rome in the county of Oneida, for the passage of an act to provide for an additional supreme court commissioner at said village ; the petition relative to the collection of statistics of crime ; the petition of William H. Vedder, for a divorce ; the petition of the police officers and others of the city of Troy, for the passage of a general act relative to the fees of constables ; the petition of sundry inhabitants of the village of Westfield in the county of Chautauque, for the appointment of a master in chancery in said village ; and the petition of sundry inhabitants of the town of Broome in the county of Schoharie,

for the passage of an act to set aside the proceedings of the last annual town meeting in said town, reported unfavorably to the prayers of the said petitioners severally, and offered the following resolution, to wit :

*Resolved*, That the committee on the judiciary be discharged from the further consideration of the said several petitions.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to prevent betting on elections ;" and the bill entitled "An act to punish seduction, and for other purposes," and found the same severally correctly engrossed.

*Ordered*, That the said bills do have their third reading.

Mr. Ross, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the village of Greene,' passed April 12th, 1842," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Tefft, from the committee on claims, to which was referred the engrossed bill from the Senate, entitled "An act for the relief of Claudius C. Coan," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

On motion of Mr. J. Stevenson,

*Ordered*, That the said bill be referred to the committee of the whole having charge of the bill for the relief of John I. Walrath.

Mr. Garretson, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to incorporate the Community of True Inspiration in the county of Erie," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. A. H. Buell, from the committee on banks and insurance companies, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the Mutual Insurance Company of Buffalo,' " with instructions to report the same complete, reported, that the committee had examined the said bill, and made sundry amendments thereto, and saw no reason why the said amended bill should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the petition of the board of auditors of the town of Plattsburgh in the county of Clinton, for the passage of an



act to abolish the office of trustee of gospel and school lands, reported the following resolution, to wit :

*Resolved*, That the committee on the internal affairs of towns and counties be discharged from the further consideration of the petition for the abolition of the office of trustee of gospel and school lands in the town of Plattsburgh, and that the same be referred to the committee on colleges, academies and common schools.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Carpenter, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to abolish the office of superintendent of the poor in and for the county of Tioga, and for other purposes ;" the bill entitled "An act to amend an act entitled 'An act relating to the New-York and Harlem Railroad Company,' passed May 7th, 1840 ;" and the bill entitled "An act to amend the charter of the Oneonta and Franklin Turnpike Company," and found the same severally correctly engrossed.

*Ordered*, That the said bills do have their third reading.

Mr. Comstock, from the select committee on the amendments to the Constitution, reported in part, and concluded by offering the following resolution, to wit :

*Resolved*, That the following amendment to the Constitution of this State be proposed, and referred to the next Legislature to be chosen ; and that the Secretary of State cause the same to be published in one newspaper in each of the counties of this State, if there be one printed therein, for three months previous to the next annual election, pursuant to the provisions of the eighth article of said Constitution :

It shall only be necessary that any proposed amendment or amendments to the Constitution of this State be agreed to in the second legislature to which the same shall have been referred, by a majority of all the members elected to each house ; and so much of the first section of the eighth article of said Constitution as is inconsistent with this amendment, is hereby abrogated.

On motion of Mr. Comstock,

*Ordered*, That the said amendment be referred to the committee of the whole when on the amendments from the Senate.

Mr. Comstock, from the select committee on the amendments to the Constitution, reported in part, and concluded by offering the following resolution, to wit :

*Resolved*, That the final question on the several proposed amendments to the Constitution, which have passed the Senate, and are now pending before this House, be taken on Wednesday next, immediately after the presentation of petitions.

Mr. De Puy moved to amend the said resolution, by striking out "Wednesday," and inserting "Thursday."

Mr. Sweeney moved to amend the said resolution, by inserting "Saturday of this week, at twelve o'clock at noon," instead of "Wednesday."

Debates were had thereon ; when

Mr. Kinne called for the previous question.

Mr. Speaker put the question whether the House would second the



call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the negative.

{ AYES 47 }  
{ NAYS 51 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bevens      | Mr. Hall         | Mr. Sager           |
| Mr. Boughton    | Mr. Hazelton     | Mr. Salisbury       |
| Mr. J. Brooks   | Mr. Howard       | Mr. Sears           |
| Mr. M. Brooks   | Mr. Jones        | Mr. W. Smith        |
| Mr. L. H. Brown | Mr. Kinne        | Mr. Speaker         |
| Mr. A. H. Buell | Mr. Knapp        | Mr. R. L. Stevenson |
| Mr. Burdick     | Mr. T. R. Lee    | Mr. Strobbridge     |
| Mr. Carpenter   | Mr. M'Donald     | Mr. Tefft           |
| Mr. Chase       | Mr. M'Key        | Mr. Thayer          |
| Mr. Comstock    | Mr. C. B. Miller | Mr. Titus           |
| Mr. Crain       | Mr. S. Miller    | Mr. Tuthill         |
| Mr. Danforth    | Mr. Morris       | Mr. Van Valkenburgh |
| Mr. Dickson     | Mr. Niven        | Mr. Walrath         |
| Mr. Fellows     | Mr. Pierce       | Mr. Whitney         |
| Mr. Fonda       | Mr. Porter       | Mr. Wynant          |
| Mr. D. Gould    | Mr. Russell      |                     |

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Those who voted in the negative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Barber       | Mr. Giffard    | Mr. Moulton         |
| Mr. Blake        | Mr. G. Goold   | Mr. Oakley          |
| Mr. Bloss        | Mr. Hannum     | Mr. Raymond         |
| Mr. Bowen        | Mr. Harris     | Mr. Rice            |
| Mr. S. A. Brown  | Mr. Horton     | Mr. Ross            |
| Mr. Bush         | Mr. Hunt       | Mr. Spring          |
| Mr. Casner       | Mr. Huntington | Mr. J. Stevenson    |
| Mr. Coe          | Mr. Jarvis     | Mr. Sweeney         |
| Mr. Collins      | Mr. Johnson    | Mr. Thompson        |
| Mr. C. F. Crosby | Mr. D. Lee     | Mr. Van Schoonhoven |
| Mr. Culver       | Mr. Litchfield | Mr. Wells           |
| Mr. De Puy       | Mr. Long       | Mr. Wheeler         |
| Mr. Dewey        | Mr. M'Vean     | Mr. White           |
| Mr. Fenn         | Mr. Mann       | Mr. Worden          |
| Mr. Field        | Mr. Mather     | Mr. Wyckoff         |
| Mr. Frisbee      | Mr. Mersereau  | Mr. A. W. Young     |
| Mr. Garretson    | Mr. Morrison   | Mr. J. Young        |

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Mr. De Puy withdrew his said amendment.

Mr. T. R. Lee moved to recommit the said resolution to the select committee which reported the same.

Debates were had thereon ; when

Mr. T. R. Lee amended his said motion, so as to read as follows :

*Resolved*, That the said resolution be recommitted to the select committee on the amendments to the Constitution, with instructions to report it to the House in five minutes, so amended as to provide that the House proceed, on Thursday the tenth April, to vote upon the proposed amendments to the Constitution.

Debates were again had ; when, the hour of twelve o'clock at noon having arrived, the Chair announced the special order of the House, being the consideration of the amendments to the Constitution.

Mr. J. Young moved to suspend the said special order, until the resolution before the House be disposed of.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. J. Young, and it was determined in the affirmative.

{ AYES 51 }  
{ NAYS 49 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Barber       | Mr. Giffard    | Mr. Morrison        |
| Mr. Blake        | Mr. G. Goold   | Mr. Moulton         |
| Mr. Bloss        | Mr. Hannum     | Mr. Oakley          |
| Mr. Bowen        | Mr. Harris     | Mr. Raymond         |
| Mr. S. A. Brown  | Mr. Heermans   | Mr. Rice            |
| Mr. Bush         | Mr. Horton     | Mr. Ross            |
| Mr. Casner       | Mr. Hunt       | Mr. Spring          |
| Mr. Coe          | Mr. Huntington | Mr. J. Stevenson    |
| Mr. Collins      | Mr. Jarvis     | Mr. Sweeney         |
| Mr. C. F. Crosby | Mr. Johnson    | Mr. Thompson        |
| Mr. Culver       | Mr. D. Lee     | Mr. Van Schoonhoven |
| Mr. De Puy       | Mr. Litchfield | Mr. Wells           |
| Mr. Dewey        | Mr. Long       | Mr. White           |
| Mr. Fenn         | Mr. M'Vean     | Mr. Worden          |
| Mr. Field        | Mr. Mann       | Mr. Wyckoff         |
| Mr. Frisbee      | Mr. Mather     | Mr. A. W. Young     |
| Mr. Garretson    | Mr. Mersereau  | Mr. J. Young        |

51

Those who voted in the negative are

|                 |               |                     |
|-----------------|---------------|---------------------|
| Mr. Bevens      | Mr. Hall      | Mr. Sager           |
| Mr. Boughton    | Mr. Hazelton  | Mr. Salisbury       |
| Mr. J. Brooks   | Mr. Howard    | Mr. Sears           |
| Mr. M. Brooks   | Mr. Jones     | Mr. W. Smith        |
| Mr. L. H. Brown | Mr. Kinne     | Mr. Speaker         |
| Mr. A. H. Buell | Mr. Knapp     | Mr. R. L. Stevenson |
| Mr. Burdick     | Mr. T. R. Lee | Mr. Strobbridge     |
| Mr. Carpenter   | Mr. M'Donald  | Mr. Tefft           |

|              |                  |                     |
|--------------|------------------|---------------------|
| Mr. Chase    | Mr. M'Key        | Mr. Thayer          |
| Mr. Comstock | Mr. C. B. Miller | Mr. Titus           |
| Mr. Crain    | Mr. S. Miller    | Mr. Tuthill         |
| Mr. Danforth | Mr. Morris       | Mr. Van Valkenburgh |
| Mr. Dickson  | Mr. Niven        | Mr. Walrath         |
| Mr. Fellows  | Mr. Pierce       | Mr. Wheeler         |
| Mr. Fonda    | Mr. Porter       | Mr. Whitney         |
| Mr. D. Gould | Mr. Russell      | Mr. Wynant          |
| Mr. Gregory  |                  |                     |

49

Mr. Fenn moved to reconsider the said vote.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Fenn, and it was determined in the negative.

{ AYES 51 }  
{ NAYS 51 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bevins      | Mr. Gregory      | Mr. Russell         |
| Mr. Boughton    | Mr. Hall         | Mr. Sager           |
| Mr. J. Brooks   | Mr. Hazelton     | Mr. Salisbury       |
| Mr. M. Brooks   | Mr. Howard       | Mr. Sears           |
| Mr. L. H. Brown | Mr. Jones        | Mr. W. Smith        |
| Mr. A. H. Buell | Mr. Kinne        | Mr. Speaker         |
| Mr. Burdick     | Mr. Knapp        | Mr. R. L. Stevenson |
| Mr. Carpenter   | Mr. T. R. Lee    | Mr. Strobridge      |
| Mr. Chase       | Mr. M'Donald     | Mr. Tefft           |
| Mr. Comstock    | Mr. M'Key        | Mr. Thayer          |
| Mr. Crain       | Mr. C. B. Miller | Mr. Titus           |
| Mr. Danforth    | Mr. S. Miller    | Mr. Tuthill         |
| Mr. Dickson     | Mr. Morris       | Mr. Van Valkenburgh |
| Mr. Fellows     | Mr. Moulton      | Mr. Walrath         |
| Mr. Fenn        | Mr. Niven        | Mr. Whitney         |
| Mr. Fonda       | Mr. Pierce       | Mr. Wyckoff         |
| Mr. D. Gould    | Mr. Porter       | Mr. Wynant          |

51

Those who voted in the negative are

|                 |                |                  |
|-----------------|----------------|------------------|
| Mr. Barber      | Mr. Garretson  | Mr. Mersereau    |
| Mr. Betts       | Mr. Giffard    | Mr. Morrison     |
| Mr. Blake       | Mr. G. Gould   | Mr. Oakley       |
| Mr. Bloss       | Mr. Hannum     | Mr. Raymond      |
| Mr. Bowen       | Mr. Harris     | Mr. Rice         |
| Mr. S. A. Brown | Mr. Heermans   | Mr. Ross         |
| Mr. Bush        | Mr. Horton     | Mr. Spring       |
| Mr. Casner      | Mr. Hunt       | Mr. J. Stevenson |
| Mr. Coe         | Mr. Huntington | Mr. Sweeney      |

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Collins      | Mr. Jarvis     | Mr. Thompson        |
| Mr. C. F. Crosby | Mr. Johnson    | Mr. Van Schoonhoven |
| Mr. E. Crosby    | Mr. D. Lee     | Mr. Wells           |
| Mr. Culver       | Mr. Litchfield | Mr. Wheeler         |
| Mr. De Puy       | Mr. Long       | Mr. White           |
| Mr. Dewey        | Mr. M'Vean     | Mr. Worden          |
| Mr. Field        | Mr. Mann       | Mr. A. W. Young     |
| Mr. Frisbee      | Mr. Mather     | Mr. J. Young 51     |

Mr. Worden moved to amend the said resolution, as follows, to wit :

After "*Resolved*," strike out the residue, and insert "That the resolution submitted by the select committee on constitutional amendments, be referred to the committee of eight, to whom was referred the bill submitting to the people the question of a convention, with instruction that said committee report the bill to-morrow, and also a resolution fixing the time for closing the debate on the constitutional amendments now under discussion."

Debates were had thereon ; when

Mr. Comstock moved to amend the said resolution reported by the select committee on the amendments to the Constitution, by inserting "Thursday" instead of "Wednesday."

Debates were again had ; when

Mr. T. R. Lee withdrew his said motion to recommit the said resolution to the select committee on the amendments to the Constitution.

Mr. Worden withdrew his amendment, and substituted the following :

*Resolved*, That the resolution now before the House be committed to the select committee of eight, to which was referred the bill providing for submitting to the people the question of a convention, with instructions to report the bill referred to that committee on Friday ; and also to report a resolution, fixing Thursday of next week for closing the debate, and taking the vote on the constitutional amendments now the special order for every day at twelve o'clock ; and that the select committee on amendments to the Constitution also be instructed to report a like bill referred to that committee, on Friday next.

Mr. T. R. Lee rose to a point of order, which he stated to be, that so much of the said resolution as relates to the subject of calling a convention, was irrelevant to the matter under consideration, and could not be entertained by the House.

The Chair decided that the entire resolution was in order.

The question recurred on agreeing to the said resolution.

Debates were had thereon ; when, the hour of two o'clock having arrived, the House took a recess until four o'clock this afternoon.



## FOUR O'CLOCK P. M.

The House again met.

The question recurred on agreeing to the amendment offered by Mr. Worden, to the resolution reported by the select committee on amendments to the Constitution.

Mr. Speaker put the question whether the House would agree to the said amendment, and it was determined in the affirmative.

{ AYES 55 }  
{ NAYS 46 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Barber       | Mr. Garretson  | Mr. Morrison        |
| Mr. Betts        | Mr. Gifford    | Mr. Moulton         |
| Mr. Blake        | Mr. G. Goold   | Mr. Oakley          |
| Mr. Bloss        | Mr. Hannum     | Mr. Raymond         |
| Mr. Bowen        | Mr. Harris     | Mr. Rice            |
| Mr. S. A. Brown  | Mr. Heermans   | Mr. Ross            |
| Mr. A. H. Buell  | Mr. Horton     | Mr. Spring          |
| Mr. Bush         | Mr. Hunt       | Mr. J. Stevenson    |
| Mr. Casner       | Mr. Huntington | Mr. Sweeney         |
| Mr. Chase        | Mr. Jarvis     | Mr. Thompson        |
| Mr. Coe          | Mr. Johnson    | Mr. Van Schoonhoven |
| Mr. Collins      | Mr. D. Lee     | Mr. Wells           |
| Mr. Crain        | Mr. Litchfield | Mr. Wheeler         |
| Mr. C. F. Crosby | Mr. Long       | Mr. White           |
| Mr. E. Crosby    | Mr. M'Vean     | Mr. Worden          |
| Mr. Culver       | Mr. Mann       | Mr. Wyckoff         |
| Mr. Dewey        | Mr. Mather     | Mr. A. W. Young     |
| Mr. Field        | Mr. Mersereau  | Mr. J. Young        |
| Mr. Frisbee      |                |                     |

55

Those who voted in the negative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. Hazelton     | Mr. Russell         |
| Mr. Bevens      | Mr. Howard       | Mr. Sager           |
| Mr. Boughton    | Mr. Jones        | Mr. Salisbury       |
| Mr. J. Brooks   | Mr. Kinne        | Mr. Sears           |
| Mr. M. Brooks   | Mr. Knapp        | Mr. W. Smith        |
| Mr. L. H. Brown | Mr. T. R. Lee    | Mr. Speaker         |
| Mr. Burdick     | Mr. M'Donald     | Mr. R. L. Stevenson |
| Mr. Carpenter   | Mr. M'Key        | Mr. Strobbridge     |
| Mr. Comstock    | Mr. C. B. Miller | Mr. Tefft           |
| Mr. Danforth    | Mr. S. Miller    | Mr. Thayer          |

Mr. Dickson  
Mr. Fellows  
Mr. Fonda  
Mr. D. Gould  
Mr. Gregory  
Mr. Hall

Mr. Morris  
Mr. Newkirk  
Mr. Niven  
Mr. Pierce  
Mr. Porter

Mr. Titus",  
Mr. Tuthill  
Mr. Van Valkenburgh  
Mr. Walrath  
Mr. Whitney

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Mr. Speaker then put the question whether the House would agree to the said resolution, as amended, and it was determined in the affirmative.

The House then resolved itself into a committee of the whole, on the bill entitled "An act for the relief of John I. Walrath," and on the engrossed bill from the Senate, entitled "An act for the relief of Claudius C. Coan;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Huntington, from the said committee, reported, that the committee had gone through the bill entitled "An act for the relief of John I. Walrath," and agreed to the same without amendment; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. Huntington, from the same committee, reported, that the committee had gone through the engrossed bill from the Senate, entitled "An act for the relief of Claudius C. Coan," and agreed to the same without amendment; which report was agreed to by the house, and the bill ordered to have its third reading.

The House then again resolved itself into a committee of the whole, on the bill entitled "An act authorising the construction of a bridge across Hudson's river at the city of Albany," and on the bill entitled "An act to promote the education and moral improvement of minors engaged in the business of navigating the canals of this State;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Comstock, from the said committee, reported progress on the said bills severally, and asked for and obtained leave to sit again.

The House then resolved itself into a committee of the whole, on the bill entitled "An act authorising a loan from the Common School Fund to the county of Jefferson, to defray expenses of building a bridge across the Black river at Watertown;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Bevens, from the said committee, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

A message from the Senate, with the bill therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act in relation to the receiver of the Farmers' Bank of Orleans," and request the concurrence of the Assembly in the same.

The said bill was read the first time, and by unanimous consent was also read a second time.

Mr. Coe moved that the said bill be ordered to have its third reading.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Coe, and it was determined in the affirmative.

A message from the Senate, with the bill therein mentioned, was

received and read, informing that the Senate had passed the bill entitled "An act to erect the town of Gilboa," and request the concurrence of the Assembly in the same.

The said bill was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the erection and division of towns and counties.

A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
Albany, April 1, 1845. }

• TO THE ASSEMBLY.

I have this day approved and signed the bill entitled "An act relative to pilots and pilotage by the way of Sandyhook."

SILAS WRIGHT.

By unanimous consent,

Mr. Dickson, from the committee on the petitions of aliens, to which was referred the petition of Mary Hole, for relief, reported favorably to the prayer of the petitioner, and asked leave to bring in a bill.

Leave being granted, Mr. Dickson accordingly brought in the said bill, entitled "An act for the relief of Susan Loyd and Mary Hole;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

The report of the Canal Board, on the petition of Hubbard Burdick, was received and read.

[See Document No. 217.]

*Ordered*, That the said report be laid on the table.

The report of the Canal Board, on the petition of Jonas Ingraham, was received and read.

[See Document No. 218.]

*Ordered*, That the said report be laid on the table.

The report of the Canal Board, on the petition of J. P. Yates, was received and read.

[See Document No. 214.]

*Ordered*, That the said report be laid on the table.

*Ordered*, That Mr. Blake have leave of absence for four days from Friday next, Mr. Wynant for seven days, Mr. Ross for three days from Monday next, Mr. Thompson for seven days from Monday next, Mr. Litchfield for three days from Monday next, Mr. Dewey for seven days, Mr. Culver for three days from Monday next, Mr. A. C. Smith for eight days, Mr. Rogers for eight days, and Mr. Morrison for three days from Monday next.

By unanimous consent,

Mr. Long offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That some one or more of the doorkeepers and porters of this House, under the direction of the Clerk, attend and remain in this chamber during the recess of the House, and while the doors are open, and prevent the abstraction or mutilation of the papers or other property of the members.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

On motion of Mr. Mather, by unanimous consent,

*Resolved*, That the bill authorising the New-York and Newhaven Railroad Company to extend their railroad into the State of New-York, be taken from the general orders, and referred to the same committee of the whole having under consideration the bill to provide for the construction of a railroad from Attica to Hornellsville.

On motion of Mr. Dickson, by unanimous consent,

*Resolved*, That Assembly bill number 229 be taken from the general orders, and recommitted to the committee on roads and bridges, to report complete.

On motion of Mr. D. Gould,

The House then adjourned to ten o'clock to-morrow morning.

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## THURSDAY, APRIL 3, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Selkirk.

The minutes of yesterday were read and approved.

Four several petitions of sundry inhabitants of the town of Mountpleasant in the county of Westchester, praying for the erection of a new town in said county, were read, and referred to the committee on the erection and division of towns and counties.

The petition of sundry inhabitants of the county of Ulster, praying for the passage of a law to abolish the court of special sessions, was read, and referred to the committee on the judiciary.

The petition of Emily Leach of the county of Westchester, praying for a separation from her husband, was read, and referred to the committee on the judiciary.

The remonstrance of sundry inhabitants of the county of Greene, against restricting the powers of masters in chancery, was read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the county of Westchester, praying for the passage of a law equalizing the representation of towns in the board of supervisors, was read, and referred to the committee on the internal affairs of towns and counties.

The petition of Calvin P. Richardson and others, praying for relief, was read, and referred to the committee on grievances.



The remonstrance of sundry inhabitants of the county of Oswego, against the passage of a law for the relief of Jonathan Case, was read, and referred to the committee on grievances.

The petition of sundry inhabitants of the county of Ulster, praying for the passage of a law to raise money by a tax on the said county, to complete the bridge over the Rondout creek above and near High falls, was read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the town of Salisbury in the county of Herkimer, praying for the passage of an act authorising the construction of a road from Salisbury to Morehouseville, was read, and referred to the committee on roads and bridges.

The remonstrance of sundry inhabitants of the town of Rochester in the county of Ulster, against the imposition of a tax on the said town, to pay for building a bridge, was read, and referred to the committee on roads and bridges.

The petition of the Singing Guards, praying for relief, was read, and referred to the committee on state prisons.

The petition of William Kelley and others of the town of Rhinebeck in the county of Dutchess, praying for the construction of a railroad from New-York to Albany, was read, and referred to the committee on railroads.

The petition of Samuel E. Johnson of the city of Brooklyn, praying for the passage of a law to close certain streets in said city, was read, and referred to the committee on the incorporation of cities and villages.

The petition of sundry inhabitants of the county of Oneida, praying for the completion of the Black River canal, was read, and referred to the committee on canals.

The petition of sundry inhabitants of the county of Washington, praying for the passage of a law to submit the question of license to the people, was read, and ordered to be laid on the table.

Thirteen several remonstrances of sundry inhabitants of the counties of New-York and Washington, against the erection of a bridge over the Hudson river at the city of Albany, were read, and referred to the committee of the whole when on the bill upon that subject.

The memorial of William Coleman, with the affidavits of Abel West, Joseph Taylor and William Coleman, in relation to the claim of said Coleman, was read, and referred to the committee of the whole when on the bill upon that subject.

Five several remonstrances against abolishing the office of county superintendent of common schools, were read, and referred to the committee of the whole when on the bill upon that subject.

Two several petitions of sundry inhabitants of the county of Ontario, for the incorporation of a company to construct a railroad from Canandaigua to Corning, were read, and referred to the committee of the whole when on the bill upon that subject.

Eight several remonstrances of sundry inhabitants of the counties of Otsego and Schoharie, against running any portion of the New-York and Erie railroad into the State of Pennsylvania, were read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Chautauque, praying that leave be granted to the New-York and Erie Railroad Company to connect their road with roads leading into the State of Pennsylvania, was read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of sundry inhabitants of the town of Chenango in the county of Broome, against any division of the said town, was read, and referred to the committee of the whole when on the bill upon that subject.

Two several petitions of sundry inhabitants of the counties of Rensselaer and Orleans, praying for the incorporation of the American and Foreign Bible Society, were read, and referred to the committee of the whole when on the bill upon that subject.

Two several petitions of sundry inhabitants of the county of Niagara, praying for an equalization of tolls on the canals, were read, and referred to the committee of the whole when on the bill upon that subject.

Four several remonstrances of sundry inhabitants of the counties of Albany, Orange, Oswego and Orleans, against any discrimination of tolls on the canals of this State, were read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of sundry inhabitants of the county of Madison, against closing the canal locks on Sundays, was read, and referred to the committee of the whole when on the bill upon that subject.

By unanimous consent,

Mr. T. R. Lee offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That four several petitions from the town of Mountpleasant, respecting the village of Singsing, referred to the committee on the internal affairs of towns and counties, be taken from that committee, and referred to the committee on the erection and division of towns and counties.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

By unanimous consent,

Mr. D. Lee moved that the bill entitled "An act to extend the acts to promote agriculture," be taken from the general orders, and ordered to be engrossed for a third reading.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. D. Lee, and it was determined in the affirmative.

The House then resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled "An act to increase the capital of the Common School Fund ;" on the bill entitled "An act to incorporate the Hudson Orphan and Relief Association," and on the bill entitled "An act to incorporate the American and Foreign Bible Society ;" and after some time spent thereon, the hour of twelve o'clock arrived, when Mr. Speaker resumed the chair, and announced the special order of the House, being the consideration of the joint resolution relative to the discrimination of tolls on the Erie and Oswego canals.

Mr. Russell moved to postpone the said special order for the day.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Russell, and it was determined in the affirmative.

The House then resumed, in committee of the whole, the consideration of the several bills which were before the said committee when the hour of twelve o'clock arrived ; and after some time spent thereon, Mr. Speaker resumed the chair, and announced that the hour of two o'clock had arrived.

Whereupon,

The House took a recess until four o'clock this afternoon.

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#### FOUR O'CLOCK P. M.

The House again met.

The House resumed, in committee of the whole, the consideration of the several bills which were before the said committee at the time of taking the recess ; and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. J. Brooks, from the said committee, reported, that the committee had gone through the engrossed bill from the Senate, entitled "An act to increase the capital of the Common School Fund," made sundry amendments thereto, amended the title by adding the words "and to provide for a deficiency in the fund for the support of the Normal School," and agreed to the same ; which he was directed to report to the house.

Mr Spring moved that the question on agreeing to the said report of the committee of the whole be laid on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Spring, and it was determined in the affirmative.

Mr. J. Brooks, from the same committee, reported progress on the bill entitled "An act to incorporate the Hudson and Orphan Relief Association," and the bill entitled "An act to incorporate the American and Foreign Bible Society," and asked for and obtained leave to sit again.

On motion of Mr. Van Valkenburgh,

The House then adjourned to ten o'clock to-morrow morning.

## FRIDAY, APRIL 4, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Sprague.

The minutes of yesterday were read and approved.

The memorial and resolution of the mayor, aldermen and commonalty of the city of New-York, praying for the passage of an act to amend an act entitled "An act to lay out a new street in the twelfth and sixteenth wards of the city of New-York, and to keep open a part of the Bloomingdale road in said city," passed April 16th, 1838, were read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the town of Bleecker in the county of Fulton, praying for the passage of a law to prevent illegal voting, was read, and referred to the committee on the judiciary.

The petition of two hundred and ten inhabitants of the county of Onondaga, praying for the passage of a law taxing the property of religious denominations, ministers and priests, was read.

Mr. Garretson moved that the said petition be laid on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Garretson, and it was determined in the affirmative.

The petition of sundry inhabitants of the county of Onondaga, praying for the passage of a law to abolish the office of town and school district collector, was read, and referred to the committee on colleges, academies and common schools.

The petition of sundry inhabitants of the county of Schoharie, praying for the removal of a gate on the western branch of the Schoharie turnpike road in the town of Cobleskill, was read, and referred to the committee on roads and bridges.

The petition of five hundred and fifty-one inhabitants of the village of Syracuse in the county of Onondaga, praying for the passage of a law authorising the building of a town-house and market in said village, was read, and referred to the committee on the internal affairs of towns and counties.

The petition of the owners of land on Mud creek in the towns of Clay and Cicero in the county of Onondaga, praying for the passage of a law to open the channel of the said creek to its intersection with the Seneca river, was read, and referred to the committee on the internal affairs of towns and counties.

The petition and proceedings of a town meeting of the citizens of the town of Gouverneur in the county of St. Lawrence, praying for the passage of an act authorising a tax to be levied on the said town, was read, and referred to the committee on the internal affairs of towns and counties.

Seven several remonstrances of sundry inhabitants of the city of New-York, against the passage of an act authorising the erection of a bridge at Albany, were read, and referred to the committee of the whole when on the bill upon that subject.



Nine several remonstrances of sundry inhabitants of the counties of Otsego and Schoharie, against running the New-York and Erie railroad into the State of Pennsylvania, were read, and referred to the committee of the whole when on the bill upon that subject.

Three several petitions of sundry inhabitants of the counties of Niagara and Herkimer, praying for a discrimination of tolls on the canals in this State, were read, and referred to the committee of the whole when on the bill upon that subject.

Three several petitions of sundry inhabitants of the counties of Chautauque, New-York and Allegany, praying for the release of the lien of the State upon the New-York and Erie railroad, upon certain conditions, were read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Otsego, praying for the incorporation of the American and Foreign Bible Society, was read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of sundry inhabitants of the county of Chenango, against the increase of tax on foreign insurance companies, was read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of the trustees of the Montgomery Academy, against any alteration of their charter, was read, and referred to the committee of the whole when on the bill upon that subject.

Mr. Coe moved that the engrossed bill from the Senate, entitled "An act authorising the New-York and Erie Railroad Company to construct a branch terminating at the village of Newburgh," be taken from the table, and ordered to have its third reading.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Coe, and it was determined in the affirmative.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act concerning the Congregational Society of the town of Spencer," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Garretson, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the New-York Institution for the Blind,' passed April 21st, 1831," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act authorising a loan

from the Common School Fund to the county of Jefferson, to defray the expenses of building a bridge across Black river at Watertown;" and the bill entitled "An act to amend an act entitled 'An act to incorporate the village of Greene,' passed April 12th, 1842," and found the same severally correctly engrossed.

*Ordered*, That the said bills do have their third reading.

Mr. Carpenter, from the committee on grievances, to which was referred the bill entitled "An act relative to taxing dogs in Queens county," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Huntington moved that the question on agreeing with the committee in their said report, be laid on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Huntington, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree with the committee in their said report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the petition of Moses Taggart and others of the county of Genesee, for the passage of an act to legalize the acts of Jonathan Lay, a justice of the peace, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. T. R. Lee accordingly brought in the said bill, entitled "An act to confirm the official acts of Jonathan Lay, a justice of the peace;" which was read the first time, and by unanimous consent was also read a second time.

Mr. Hannum moved that the said bill be ordered to be engrossed for a third reading.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Hannum, and it was determined in the affirmative.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the petition of sundry inhabitants of the county of Sullivan, in reference to the naturalization of foreigners, reported in writing, and concluded by offering the following resolution, to wit:

*Resolved*, That the committee on the judiciary be discharged from the further consideration of the petition in reference to the naturalization of foreigners.

[See Document No. 245.]

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

{ AYES 88 }  
{ NAYS 08 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Giffard      | Mr. Niven           |
| Mr. Barber       | Mr. D. Gould     | Mr. Pierce          |
| Mr. Betts        | Mr. Gregory      | Mr. Porter          |
| Mr. Bevens       | Mr. Hall         | Mr. Raymond         |
| Mr. Blake        | Mr. Hannum       | Mr. Rice            |
| Mr. Bloss        | Mr. Harris       | Mr. Ross            |
| Mr. Boughton     | Mr. Hazelton     | Mr. Russell         |
| Mr. Bowen        | Mr. Heermans     | Mr. Sager           |
| Mr. J. Brooks    | Mr. Hervey       | Mr. Salisbury       |
| Mr. M. Brooks    | Mr. Hine         | Mr. Sears           |
| Mr. L. H. Brown  | Mr. Horton       | Mr. Skelton         |
| Mr. S. A. Brown  | Mr. Howard       | Mr. W. Smith        |
| Mr. A. H. Buell  | Mr. Hunt         | Mr. Speaker         |
| Mr. Bunker       | Mr. Huntington   | Mr. Spring          |
| Mr. Burdick      | Mr. Jarvis       | Mr. J. Stevenson    |
| Mr. Casner       | Mr. Johnson      | Mr. R. L. Stevenson |
| Mr. Chase        | Mr. Jones        | Mr. Strobbridge     |
| Mr. Coe          | Mr. Kinne        | Mr. Sweeney         |
| Mr. Collins      | Mr. Knapp        | Mr. Tefft           |
| Mr. Comstock     | Mr. D. Lee       | Mr. Thayer          |
| Mr. Constant     | Mr. T. R. Lee    | Mr. Titus           |
| Mr. Crain        | Mr. Litchfield   | Mr. Tuthill         |
| Mr. C. F. Crosby | Mr. M'Carthy     | Mr. Van Schoonhoven |
| Mr. E. Crosby    | Mr. M'Donald     | Mr. Van Valkenburgh |
| Mr. Danforth     | Mr. M'Key        | Mr. Walrath         |
| Mr. Fellows      | Mr. Mather       | Mr. Wells           |
| Mr. Field        | Mr. C. B. Miller | Mr. Wheeler         |
| Mr. Fonda        | Mr. S. Miller    | Mr. Whitney         |
| Mr. Frisbee      | Mr. Newkirk      | Mr. Worden          |
| Mr. Garretson    |                  |                     |

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Those who voted in the negative are

|            |               |            |
|------------|---------------|------------|
| Mr. Culver | Mr. M'Vean    | Mr. Oakley |
| Mr. De Puy | Mr. Mersereau | Mr. Wynant |
| Mr. Long   | Mr. Moulton   |            |

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Mr. Bloss moved to refer the said petition to a select committee, consisting of the members attending this house from the city and county of New-York, and from the county of Sullivan.

Mr. Whitney moved to amend the said motion of Mr. Bloss, by adding to the said committee the members attending this house from the county of Kings.

Mr. Russell moved to lay the subject on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Russell, and it was determined in the affirmative.

Mr. Frisbee, from the committee on roads and bridges, to which was referred the petition of sundry inhabitants of the town of Salisbury in

the county of Herkimer, for the passage of an act to authorise the laying out of a road, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Frisbee accordingly brought in the said bill, entitled "An act to lay out a road from Morehouse to Salisbury;" which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. Frisbee,

*Ordered*, That the said bill be engrossed for a third reading.

Mr. S. Miller, from the committee on colleges, academies and common schools, to which was referred the petition relative to the Lyceum of Williamsburgh, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. S. Miller accordingly brought in the said bill, entitled "An act to incorporate the Williamsburgh Lyceum;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Van Valkenburgh, from the committee on railroads, to which was referred the petition of sundry inhabitants residing near the Mohawk turnpike road, for the removal of the gates from the said road, reported unfavorably to the prayer of the petitioners, and offered the following resolution, to wit :

*Resolved*, That the committee on railroads be discharged from the further consideration of the petition for the removal of certain turnpike gates from the Schoharie turnpike road.

Mr. Crain moved to lay the said resolution on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Crain, and it was determined in the affirmative.

Mr. Crain, from a minority of the select committee to which was referred the bill entitled "An act recommending a Convention of the People of this State in 1846," with instructions to report the same this day to the House, asked for and obtained leave to report in writing, and concluded by recommending that the said bill be passed into a law.

Mr. Comstock, from the select committee to which was referred the bill entitled "An act recommending a Convention of the People of this State in 1846," with instructions to report the same this day to the House, reported in the words following, to wit :

The undersigned, members of the select committee to which was referred the bill introduced by Mr. Crain, entitled "An act recommending a Convention of the People of this State," in obedience to a resolution adopted by the House on the second instant, report said bill to the House, without expressing any opinion concerning the same, and reserving the right to report further hereafter.

C. COMSTOCK,  
G. W. SAGER,  
JOHN PIERCE 2D,  
P. M'KEY.

Mr. Crain moved that the said bill be committed to a committee of the whole house, and be made the special order for Friday next at



twelve o'clock at noon, and for the same hour on each succeeding day until finally disposed of.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Crain, and it was determined in the affirmative.

{ AYES 89 }  
{ NAYS 16 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Hannum       | Mr. Raymond         |
| Mr. Bailey       | Mr. Harris       | Mr. Rice            |
| Mr. Barber       | Mr. Hazelton     | Mr. Ross            |
| Mr. Betts        | Mr. Heermans     | Mr. Russell         |
| Mr. Blake        | Mr. Horton       | Mr. Sager           |
| Mr. Bloss        | Mr. Hunt         | Mr. Salisbury       |
| Mr. Boughton     | Mr. Huntington   | Mr. Sears           |
| Mr. Bowen        | Mr. Jarvis       | Mr. Skelton         |
| Mr. J. Brooks    | Mr. Johnson      | Mr. W. Smith        |
| Mr. S. A. Brown  | Mr. Kinne        | Mr. Speaker         |
| Mr. A. H. Buell  | Mr. Knapp        | Mr. Spring          |
| Mr. Bunker       | Mr. D. Lee       | Mr. J. Stevenson    |
| Mr. Bush         | Mr. Litchfield   | Mr. R. L. Stevenson |
| Mr. Carpenter    | Mr. Long         | Mr. Strobbridge     |
| Mr. Casner       | Mr. M'Carthy     | Mr. Sweeney         |
| Mr. Chase        | Mr. M'Donald     | Mr. Tefft           |
| Mr. Coe          | Mr. M'Vean       | Mr. Thayer          |
| Mr. Collins      | Mr. Mann         | Mr. Thompson        |
| Mr. Comstock     | Mr. Mather       | Mr. Titus           |
| Mr. Constant     | Mr. Mersereau    | Mr. Tathill         |
| Mr. Crain        | Mr. C. B. Miller | Mr. Van Schoonhoven |
| Mr. C. F. Crosby | Mr. S. Miller    | Mr. Wells           |
| Mr. Culver       | Mr. Morrison     | Mr. Wheeler         |
| Mr. De Puy       | Mr. Moulton      | Mr. White           |
| Mr. Dickson      | Mr. Newkirk      | Mr. Worden          |
| Mr. Field        | Mr. Niven        | Mr. Wyckoff         |
| Mr. Fonda        | Mr. Oakley       | Mr. Wynant          |
| Mr. Frisbee      | Mr. Pardee       | Mr. A. W. Young     |
| Mr. Giffard      | Mr. Pierce       | Mr. J. Young        |
| Mr. G. Goold     | Mr. Porter       |                     |

89

Those who voted in the negative are

|                 |              |                     |
|-----------------|--------------|---------------------|
| Mr. Bevens      | Mr. D. Gould | Mr. Jones           |
| Mr. M. Brooks   | Mr. Gregory  | Mr. T. R. Lee       |
| Mr. L. H. Brown | Mr. Hall     | Mr. Van Valkenburgh |
| Mr. Burdick     | Mr. Hervey   | Mr. Walrath         |
| Mr. Danforth    | Mr. Hine     | Mr. Whitney         |
| Mr. Fellows     |              |                     |

16

Mr. Chase moved that fifteen times the usual number of copies of the said bill and report submitted by Mr. Crain, be printed.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Chase, and it was determined in the affirmative.

[See Document No. 211.]

Mr. Comstock, from the select committee to which was referred the bill introduced by Mr. Wheeler, relative to a Convention of the People of this State, with instructions to report the same this day to the House, reported the bill in accordance with said instructions, and moved that it be referred to the same committee of the whole having charge of the bill introduced by Mr. Crain upon the same subject.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Comstock, and it was determined in the affirmative.

Mr. Comstock, from the select committee to which was referred the bill introduced by Mr. Crain, relative to a Convention of the People of this State, reported the following resolution, to wit :

*Resolved*, That the final question on the proposed amendments to the Constitution, which have been transmitted from the Senate, and are now pending before this House, be taken on Thursday next, immediately after the presentation of petitions.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to incorporate the Prison Association of New-York ;" the bill entitled "An act to amend the acts to promote agriculture ;" the bill entitled "An act for the relief of John I. Walrath and others," and the bill entitled "An act to incorporate the Farmers' Mutual Insurance Company of Sherburne," and found the same severally correctly engrossed.

*Ordered*, That the said bills do have their third reading.

Mr. J. Young, from the select committee to which was referred the bill entitled "An act to amend the Revised Statutes, relative to procuring abortions," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Hine, from the select committee to which was referred the bill entitled "An act concerning the district attorney in the county of Ulster," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Worden, from the select committee to which was referred the bill entitled "An act to enable resident aliens to hold and convey real

estate, and for other purposes," with instructions to report the same complete, reported, that the committee had examined the said bill, and made sundry amendments thereto, and saw no reason why the said amended bill should not be passed into a law.

On motion of Mr. Worden,

*Ordered*, That the question on agreeing with the report of the said committee be laid on the table, and that one hundred and fifty extra copies of the said bill be printed.

By unanimous consent,

Mr. Van Valkenburgh, from the committee on railroads, to which was referred the bill entitled "An act to amend an act entitled 'An act to provide for the construction of a railroad from Auburn to Rochester,' passed May 13, 1836," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

By unanimous consent,

Mr. Tefit, from the committee on claims, to which was referred the petition of George Heath, for relief, reported unfavorably to the prayer of the petitioners, and offered the following resolution, to wit :

*Resolved*, That the committee on claims be discharged from the further consideration of the petition of George Heath.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

The report of the Canal Commissioners, on the petition of Charles J. Hill, was received and read.

[See Document No. 209.]

*Ordered*, That the said report be referred to the committee on canals.

By unanimous consent,

Mr. Bailey offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill authorising the building of a road by convict labor, through the Highlands, be referred to the members attending this house from the counties of Westchester, Dutchess and Putnam, to report complete.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

The hour of twelve o'clock at noon having arrived, the Chair announced the special order of the House, being the consideration of the amendments to the Constitution.

Mr. Coe moved that the said special order be passed over.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Coe, and it was determined in the affirmative.

The engrossed bill from the Senate, entitled "An act to incorporate the Delaware Turnpike Company," was read the third time.

Mr. Speaker put the question whether the House would agree to the

final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 94 }  
{ NAYS 01 }

Those who voted in the affirmative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Barber      | Mr. Hall         | Mr. Pierce          |
| Mr. Betts       | Mr. Hannum       | Mr. Porter          |
| Mr. Bevens      | Mr. Harris       | Mr. Rice            |
| Mr. Blake       | Mr. Hazelton     | Mr. Ross            |
| Mr. Bloss       | Mr. Heermans     | Mr. Russell         |
| Mr. Boughton    | Mr. Hervey       | Mr. Sager           |
| Mr. Bowen       | Mr. Hine         | Mr. Salisbury       |
| Mr. J. Brooks   | Mr. Horton       | Mr. Sears           |
| Mr. M. Brooks   | Mr. Howard       | Mr. Skelton         |
| Mr. L. H. Brown | Mr. Hunt         | Mr. W. Smith        |
| Mr. S. A. Brown | Mr. Jarvis       | Mr. Speaker         |
| Mr. A. H. Buell | Mr. Johnson      | Mr. Spring          |
| Mr. Burdick     | Mr. Jones        | Mr. J. Stevenson    |
| Mr. Bush        | Mr. Kinne        | Mr. R. L. Stevenson |
| Mr. Chase       | Mr. D. Lee       | Mr. Strobbridge     |
| Mr. Coe         | Mr. T. R. Lee    | Mr. Sweeney         |
| Mr. Collins     | Mr. Litchfield   | Mr. Tefft           |
| Mr. Comstock    | Mr. Long         | Mr. Thayer          |
| Mr. Constant    | Mr. M'Carthy     | Mr. Thompson        |
| Mr. Culver      | Mr. M'Key        | Mr. Tuthill         |
| Mr. Danforth    | Mr. M'Vean       | Mr. Van Schoonhoven |
| Mr. De Puy      | Mr. Mann         | Mr. Van Valkenburgh |
| Mr. Dickson     | Mr. Mather       | Mr. Walrath         |
| Mr. Fellows     | Mr. Mersereau    | Mr. Wells           |
| Mr. Field       | Mr. C. B. Miller | Mr. Wheeler         |
| Mr. Fonda       | Mr. S. Miller    | Mr. White           |
| Mr. Frisbee     | Mr. Morrison     | Mr. Whitney         |
| Mr. Garretson   | Mr. Moulton      | Mr. Worden          |
| Mr. Giffard     | Mr. Newkirk      | Mr. Wyckoff         |
| Mr. D. Gould    | Mr. Niven        | Mr. Wynant          |
| Mr. G. Goold    | Mr. Oakley       | Mr. J. Young        |
| Mr. Gregory     |                  |                     |

94

For the negative,

Mr. Raymond

1

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

Mr. Hammond, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to condense and

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amend the several acts relating to the village of Geneseo ;" and the bill entitled "An act to incorporate the Troy Gas Light Company," and found the same severally correctly engrossed.

*Ordered,* That the said bills do have their third reading.

The House then proceeded to the consideration of the bill entitled "An act to amend an act entitled 'An act relating to the New-York and Harlem Railroad Company,' passed May 7th, 1840."

By unanimous consent,

Mr. Wheeler moved to amend the said bill, by inserting in the first section, after the words "road leading to," the words "a point on the Hudson river opposite to the city of."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Wheeler, and it was determined in the affirmative.

The said amended bill was then read the third time.

Mr. Speaker then put the question whether the House would agree to the final passage of the said bill, as amended, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 92 }  
{ NAYS 02 }

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Hall         | Mr. Pardee          |
| Mr. Barber       | Mr. Hannum       | Mr. Pierce          |
| Mr. Betts        | Mr. Harris       | Mr. Porter          |
| Mr. Blake        | Mr. Heermans     | Mr. Raymond         |
| Mr. Bloss        | Mr. Hervey       | Mr. Rice            |
| Mr. J. Brooks    | Mr. Hine         | Mr. Ross            |
| Mr. M. Brooks    | Mr. Horton       | Mr. Sager           |
| Mr. S. A. Brown  | Mr. Howard       | Mr. Salisbury       |
| Mr. A. H. Buell  | Mr. Hunt         | Mr. Sears           |
| Mr. Burdick      | Mr. Huntington   | Mr. Skelton         |
| Mr. Bush         | Mr. Jarvis       | Mr. W. Smith        |
| Mr. Casner       | Mr. Johnson      | Mr. Speaker         |
| Mr. Chase        | Mr. Jones        | Mr. J. Stevenson    |
| Mr. Coe          | Mr. Kinne        | Mr. R. L. Stevenson |
| Mr. Comstock     | Mr. Knapp        | Mr. Strobbridge     |
| Mr. Constant     | Mr. T. R. Lee    | Mr. Sweeney         |
| Mr. Crain        | Mr. Litchfield   | Mr. Tefft           |
| Mr. C. F. Crosby | Mr. Long         | Mr. Thayer          |
| Mr. Culver       | Mr. M'Carthy     | Mr. Thompson        |
| Mr. Danforth     | Mr. M'Donald     | Mr. Titus           |
| Mr. De Puy       | Mr. M'Key        | Mr. Tuthill         |
| Mr. Dickson      | Mr. M'Vean       | Mr. Van Schoonhoven |
| Mr. Fellows      | Mr. Mather       | Mr. Van Valkenburgh |
| Mr. Field        | Mr. Mersereau    | Mr. Wells           |
| Mr. Fonda        | Mr. C. B. Miller | Mr. Wheeler         |
| Mr. Frisbee      | Mr. S. Miller    | Mr. White           |

|               |              |              |
|---------------|--------------|--------------|
| Mr. Garretson | Mr. Morrison | Mr. Worden   |
| Mr. Gifford   | Mr. Moulton  | Mr. Wyckoff  |
| Mr. D. Gould  | Mr. Newkirk  | Mr. Wynant   |
| Mr. G. Goold  | Mr. Niven    | Mr. J. Young |
| Mr. Gregory   | Mr. Oakley   |              |

92

Those who voted in the negative are

|              |          |
|--------------|----------|
| Mr. Hazelton | Mr. Mann |
|--------------|----------|

2

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act authorising a loan from the Common School Fund to the county of Jefferson, to defray the expenses of building a bridge across Black river at Watertown," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 100 }  
{ NAYS 00 }

Those who voted in the affirmative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Barber       | Mr. Hall       | Mr. Pardee          |
| Mr. Betts        | Mr. Hannum     | Mr. Pierce          |
| Mr. Blake        | Mr. Harris     | Mr. Porter          |
| Mr. Bloss        | Mr. Hazelton   | Mr. Raymond         |
| Mr. Boughton     | Mr. Heermance  | Mr. Rice            |
| Mr. J. Brooks    | Mr. Hervey     | Mr. Ross            |
| Mr. M. Brooks    | Mr. Hine       | Mr. Russell         |
| Mr. L. H. Brown  | Mr. Horton     | Mr. Sager           |
| Mr. S. A. Brown  | Mr. Howard     | Mr. Salisbury       |
| Mr. A. H. Buell  | Mr. Hunt       | Mr. Skelton         |
| Mr. Bunker       | Mr. Huntington | Mr. W. Smith        |
| Mr. Burdick      | Mr. Jarvis     | Mr. Speaker         |
| Mr. Carpenter    | Mr. Johnson    | Mr. Spring          |
| Mr. Casner       | Mr. Jones      | Mr. J. Stevenson    |
| Mr. Chase        | Mr. Kinne      | Mr. R. L. Stevenson |
| Mr. Coe          | Mr. Knapp      | Mr. Strobridge      |
| Mr. Collins      | Mr. D. Lee     | Mr. Sweeney         |
| Mr. Comstock     | Mr. T. R. Lee  | Mr. Tefft           |
| Mr. Constant     | Mr. Litchfield | Mr. Thayer          |
| Mr. Crain        | Mr. Long       | Mr. Thompson        |
| Mr. C. F. Crosby | Mr. M'Carthy   | Mr. Titus           |
| Mr. E. Crosby    | Mr. M'Donald   | Mr. Tnhill          |
| Mr. Culver       | Mr. M'Key      | Mr. Van Schoonhoven |
| Mr. Danforth     | Mr. M'Vean     | Mr. Walrath         |

|               |                  |                 |
|---------------|------------------|-----------------|
| Mr. Dickson   | Mr. Mann         | Mr. Wells       |
| Mr. Fellows   | Mr. Mather       | Mr. Wheeler     |
| Mr. Field     | Mr. Mersereau    | Mr. White       |
| Mr. Fonda     | Mr. C. B. Miller | Mr. Whitney     |
| Mr. Frisbee   | Mr. S. Miller    | Mr. Worden      |
| Mr. Garretson | Mr. Moulton      | Mr. Wyckoff     |
| Mr. Giffard   | Mr. Newkirk      | Mr. Winant      |
| Mr. D. Gould  | Mr. Niven        | Mr. A. W. Young |
| Mr. G. Goold  | Mr. Oakley       | Mr. J. Young    |
| Mr. Gregory   |                  |                 |

100

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill from the Senate, entitled "An act authorising the New-York and Erie Railroad Company to construct a branch terminating at the village of Newburgh," was read the third time.

By unanimous consent,

Mr. Coe moved to amend the said bill as follows, to wit :

After the word "Pennsylvania," in the twenty-third line, insert "or into New-Jersey west of Shawangunk ridge, or construct their road into New-Jersey or Pennsylvania west of Shawangunk ridge."

After the word "company," in the twenty-fifth line, strike out "without the consent of the Legislature."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Coe, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to the final passage of the said bill and amendments, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

} AYES 91 }  
 } NAYS 08 }

Those who voted in the affirmative are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Barber      | Mr. Hannum     | Mr. Pardee          |
| Mr. Betts       | Mr. Harris     | Mr. Pierce          |
| Mr. Bevins      | Mr. Heermans   | Mr. Porter          |
| Mr. Bloss       | Mr. Hervey     | Mr. Raymond         |
| Mr. Boughton    | Mr. Hine       | Mr. Rice            |
| Mr. Bowen       | Mr. Horton     | Mr. Ross            |
| Mr. J. Brooks   | Mr. Howard     | Mr. Sager           |
| Mr. M. Brooks   | Mr. Hunt       | Mr. Sears           |
| Mr. S. A. Brown | Mr. Huntington | Mr. Skelton         |
| Mr. A. H. Buell | Mr. Jarvis     | Mr. W. Smith        |
| Mr. Bunker      | Mr. Johnson    | Mr. Speaker         |
| Mr. Burdick     | Mr. Kinne      | Mr. Spring          |
| Mr. Bush        | Mr. Knapp      | Mr. J. Stevenson    |
| Mr. Carpenter   | Mr. D. Lee     | Mr. R. L. Stevenson |
| Mr. Casner      | Mr. T. R. Lee  | Mr. Strobebridge    |

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Chase        | Mr. Litchfield   | Mr. Sweeney         |
| Mr. Coe          | Mr. Long         | Mr. Thayer          |
| Mr. Collins      | Mr. M'Donald     | Mr. Thompson        |
| Mr. Comstock     | Mr. M'Key        | Mr. Tuthill         |
| Mr. Constant     | Mr. M'Vean       | Mr. Van Schoonhoven |
| Mr. C. F. Crosby | Mr. Mann         | Mr. Van Valkenburgh |
| Mr. E. Crosby    | Mr. Mather       | Mr. Walrath         |
| Mr. Culver       | Mr. Mersereau    | Mr. Wells           |
| Mr. De Puy       | Mr. C. B. Miller | Mr. Wheeler         |
| Mr. Fellows      | Mr. S. Miller    | Mr. White           |
| Mr. Field        | Mr. Morrison     | Mr. Worden          |
| Mr. Frisbee      | Mr. Moulton      | Mr. Wyckoff         |
| Mr. Garretson    | Mr. Newkirk      | Mr. Wynant          |
| Mr. D. Gould     | Mr. Niven        | Mr. A. W. Young     |
| Mr. G. Gould     | Mr. Oakley       | Mr. J. Young        |
| Mr. Hall         |                  |                     |

91

Those who voted in the negative are

|                 |              |               |
|-----------------|--------------|---------------|
| Mr. L. H. Brown | Mr. Dickson  | Mr. Salisbury |
| Mr. Crain       | Mr. Gregory  | Mr. Titus     |
| Mr. Danforth    | Mr. Hazelton |               |

8

*Ordered,* That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same with the amendments thereto therewith delivered.

The engrossed bill entitled "An act to amend the charter of the Oneonta and Franklin Turnpike Company," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 97 }  
{ NAYS 00 }

Those who voted in the affirmative are

|                 |               |               |
|-----------------|---------------|---------------|
| Mr. Bachman     | Mr. Garretson | Mr. Pardee    |
| Mr. Barber      | Mr. Giffard   | Mr. Pierce    |
| Mr. Betts       | Mr. G. Goold  | Mr. Porter    |
| Mr. Bevins      | Mr. Gregory   | Mr. Raymond   |
| Mr. Blake       | Mr. Hall      | Mr. Rice      |
| Mr. Bloss       | Mr. Hannum    | Mr. Ross      |
| Mr. Boughton    | Mr. Harris    | Mr. Sager     |
| Mr. Bowen       | Mr. Hazelton  | Mr. Salisbury |
| Mr. J. Brooks   | Mr. Heermans  | Mr. Sears     |
| Mr. L. H. Brown | Mr. Hervey    | Mr. Skelton   |
| Mr. S. A. Brown | Mr. Horton    | Mr. W. Smith  |
| Mr. A. H. Buell | Mr. Howard    | Mr. Speaker   |



|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bunker       | Mr. Hunt         | Mr. Spring          |
| Mr. Burdick      | Mr. Jarvis       | Mr. J. Stevenson    |
| Mr. Bush         | Mr. Johnson      | Mr. R. L. Stevenson |
| Mr. Carpenter    | Mr. Kinne        | Mr. Strobbridge     |
| Mr. Casner       | Mr. D. Lee       | Mr. Sweeney         |
| Mr. Chase        | Mr. Litchfield   | Mr. Thayer          |
| Mr. Coe          | Mr. Long         | Mr. Thompson        |
| Mr. Collins      | Mr. M'Carthy     | Mr. Titus           |
| Mr. Comstock     | Mr. M'Donald     | Mr. Tuthill         |
| Mr. Constant     | Mr. M'Key        | Mr. Van Schoonhoven |
| Mr. Crain        | Mr. M'Vean       | Mr. Walrath         |
| Mr. C. F. Crosby | Mr. Mann         | Mr. Wells           |
| Mr. E. Crosby    | Mr. Mather       | Mr. Wheeler         |
| Mr. Culver       | Mr. Mersereau    | Mr. White           |
| Mr. Danforth     | Mr. C. B. Miller | Mr. Whitney         |
| Mr. De Puy       | Mr. S. Miller    | Mr. Worden          |
| Mr. Dickson      | Mr. Morrison     | Mr. Wyckoff         |
| Mr. Fellows      | Mr. Newkirk      | Mr. Wynant          |
| Mr. Field        | Mr. Niven        | Mr. A. W. Young     |
| Mr. Fonda        | Mr. Oakley       | Mr. J. Young        |
| Mr. Frisbee      |                  |                     |

97

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to abolish the office of superintendent of the poor in and for the county of Tioga, and for other purposes," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to incorporate the Farmers' Mutual Insurance Company of Sherburne," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 94 }  
{ NAYS 01 }

Those who voted in the affirmative are

|              |              |               |
|--------------|--------------|---------------|
| Mr. Bachman  | Mr. D. Gould | Mr. Oakley    |
| Mr. Barber   | Mr. G. Goold | Mr. Raymond   |
| Mr. Betts    | Mr. Gregory  | Mr. Rice      |
| Mr. Bevins   | Mr. Hall     | Mr. Ross      |
| Mr. Blake    | Mr. Hannum   | Mr. Russell   |
| Mr. Bloss    | Mr. Harris   | Mr. Sager     |
| Mr. Boughton | Mr. Hazelton | Mr. Salisbury |
| Mr. Bowen    | Mr. Heermans | Mr. Sears     |

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. J. Brooks    | Mr. Hine         | Mr. Skelton         |
| Mr. M. Brooks    | Mr. Horton       | Mr. W. Smith        |
| Mr. L. H. Brown  | Mr. Hunt         | Mr. Speaker         |
| Mr. S. A. Brown  | Mr. Huntington   | Mr. Spring          |
| Mr. A. H. Buell  | Mr. Jarvis       | Mr. J. Stevenson    |
| Mr. Bunker       | Mr. Johnson      | Mr. R. L. Stevenson |
| Mr. Burdick      | Mr. Knapp        | Mr. Strobridge      |
| Mr. Bush         | Mr. D. Lee       | Mr. Sweeney         |
| Mr. Carpenter    | Mr. T. R. Lee    | Mr. Tefft           |
| Mr. Chase        | Mr. Litchfield   | Mr. Thayer          |
| Mr. Coe          | Mr. Long         | Mr. Thompson        |
| Mr. Collins      | Mr. M'Carthy     | Mr. Tuthill         |
| Mr. C. F. Crosby | Mr. M'Donald     | Mr. Van Schoonhoven |
| Mr. E. Crosby    | Mr. M'Key        | Mr. Walrath         |
| Mr. Culver       | Mr. M'Vean       | Mr. Wells           |
| Mr. Danforth     | Mr. Mann         | Mr. Wheeler         |
| Mr. De Puy       | Mr. Mather       | Mr. White           |
| Mr. Dickson      | Mr. Mersereau    | Mr. Whitney         |
| Mr. Fellows      | Mr. C. B. Miller | Mr. Worden          |
| Mr. Field        | Mr. S. Miller    | Mr. Wyckoff         |
| Mr. Fonda        | Mr. Morrison     | Mr. Wynant          |
| Mr. Frisbee      | Mr. Newkirk      | Mr. A. W. Young     |
| Mr. Garretson    | Mr. Niven        | Mr. J. Young        |
| Mr. Giffard      |                  |                     |

94

For the negative,

Mr. Crain

1

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to incorporate the Prison Association of New-York," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 91 }  
{ NAYS 02 }

Those who voted in the affirmative are

|              |              |               |
|--------------|--------------|---------------|
| Mr. Bachman  | Mr. Hall     | Mr. Oakley    |
| Mr. Barber   | Mr. Hannum   | Mr. Porter    |
| Mr. Betts    | Mr. Harris   | Mr. Raymond   |
| Mr. Bevens   | Mr. Heermans | Mr. Rice      |
| Mr. Blake    | Mr. Hervey   | Mr. Ross      |
| Mr. Bloss    | Mr. Hine     | Mr. Russell   |
| Mr. Boughton | Mr. Horton   | Mr. Salisbury |
| Mr. Bowen    | Mr. Hunt     | Mr. Sears     |

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. J. Brooks    | Mr. Huntington | Mr. Skelton         |
| Mr. M. Brooks    | Mr. Jarvis     | Mr. W. Smith        |
| Mr. S. A. Brown  | Mr. Johnson    | Mr. Speaker         |
| Mr. Burdick      | Mr. Jones      | Mr. Spring          |
| Mr. Bush         | Mr. Kinne      | Mr. J. Stevenson    |
| Mr. Carpenter    | Mr. Knapp      | Mr. R. L. Stevenson |
| Mr. Casner       | Mr. D. Lee     | Mr. Strobbridge     |
| Mr. Chase        | Mr. T. R. Lee  | Mr. Sweeney         |
| Mr. Collins      | Mr. Litchfield | Mr. Tefft           |
| Mr. Comstock     | Mr. Long       | Mr. Thayer          |
| Mr. C. F. Crosby | Mr. M'Carthy   | Mr. Thompson        |
| Mr. Culver       | Mr. M'Donald   | Mr. Tuthill         |
| Mr. Danforth     | Mr. M'Key      | Mr. Van Schoonhoven |
| Mr. De Puy       | Mr. M'Vean     | Mr. Walrath         |
| Mr. Dickson      | Mr. Mann       | Mr. Wells           |
| Mr. Fellows      | Mr. Mather     | Mr. Wheeler         |
| Mr. Field        | Mr. Mersereau  | Mr. White           |
| Mr. Fonda        | Mr. S. Miller  | Mr. Whitney         |
| Mr. Frisbee      | Mr. Morrison   | Mr. Worden          |
| Mr. Garretson    | Mr. Moulton    | Mr. Wyckoff         |
| Mr. Giffard      | Mr. Newkirk    | Mr. Wynant          |
| Mr. D. Gould     | Mr. Niven      | Mr. A. W. Young     |
| Mr. G. Goold     |                |                     |

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Those who voted in the negative are

Mr. Hazelton

Mr. C. B. Miller

2

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to punish seduction and adultery, and for other purposes," was read the third time.

Mr. Gregory moved that the question on the final passage of the said bill be laid on the table, and that the bill be printed.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Gregory, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill from the Senate, entitled "An act for the relief of Claudius C. Coan," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The House then proceeded to the consideration of the motion made on a previous day, to reconsider the vote agreeing to the final passage of the engrossed bill from the Senate, entitled "An act to confirm certain conveyances executed by Eleazer Williams, an Indian."

The said motion having been withdrawn,

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The engrossed bill entitled "An act for the relief of John I. Walrath and others," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill entitled "An act to prevent betting on elections," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bills to the Senate, and request their concurrence in the same.

The hour of two o'clock having arrived,

The House took a recess until four o'clock this afternoon.

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#### FOUR O'CLOCK P. M.

The House again met.

The engrossed bill from the Senate, entitled "An act in relation to the receiver of the Farmers' Bank of Orleans," was read the third time.

By unanimous consent,

Mr. Coe moved to amend the said bill, by adding a section in the words following, to wit :

§ . This act shall take effect immediately.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Coe, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to the final passage of the said bill and amendment, and it was determined in the affirmative.

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same with the amendment thereto therewith delivered.

Mr. Moulton moved that the House proceed to the consideration of the bill to prevent the racing and trotting of horses on the Albany and Troy macadamized road.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Moulton, and it was determined in the affirmative.

On motion of Mr. Moulton,

*Ordered*, That the said bill, together with the bill to prevent the racing and trotting of horses in the streets and avenues of the city of New-York, be recommitted to the committee on the internal affairs of towns and counties.

The engrossed bill entitled "An act to increase the number of firemen of the village of Canandaigua," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the negative ; less than two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

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{ AYES 63 }  
 { NAYS 03 }

Those who voted in the affirmative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. Hammond      | Mr. Sager           |
| Mr. Blake       | Mr. Hannum       | Mr. Salisbury       |
| Mr. Bloss       | Mr. Harris       | Mr. Sears           |
| Mr. Bowen       | Mr. Heermans     | Mr. Skelton         |
| Mr. L. H. Brown | Mr. Hine         | Mr. Speaker         |
| Mr. S. A. Brown | Mr. Horton       | Mr. Spring          |
| Mr. Bunker      | Mr. Hunt         | Mr. J. Stevenson    |
| Mr. Burdick     | Mr. Jarvis       | Mr. R. L. Stevenson |
| Mr. Bush        | Mr. D. Lee       | Mr. Strobbridge     |
| Mr. Chase       | Mr. M'Donald     | Mr. Sweeney         |
| Mr. Coe         | Mr. M'Key        | Mr. Thayer          |
| Mr. Comstock    | Mr. M'Vean       | Mr. Titus           |
| Mr. Danforth    | Mr. C. B. Miller | Mr. Tuthill         |
| Mr. Dickson     | Mr. S. Miller    | Mr. Van Schoonhoven |
| Mr. Field       | Mr. Newkirk      | Mr. Walrath         |
| Mr. Frisbee     | Mr. Niven        | Mr. Wheeler         |
| Mr. Garretson   | Mr. Oakley       | Mr. White           |
| Mr. Giffard     | Mr. Raymond      | Mr. Worden          |
| Mr. D. Gould    | Mr. Rice         | Mr. Wyckoff         |
| Mr. G. Goold    | Mr. Ross         | Mr. Wynant          |
| Mr. Hall        | Mr. Russell      | Mr. A. W. Young 63  |

Those who voted in the negative are

|             |           |             |   |
|-------------|-----------|-------------|---|
| Mr. Fellows | Mr. Fonda | Mr. Moulton | 3 |
|-------------|-----------|-------------|---|

Mr. Fonda moved a reconsideration of the said vote.

*Ordered*, That the said motion be laid on the table.

The engrossed bill entitled "An act to extend the acts to promote agriculture," was read the third time.

On motion of Mr. D. Lee,

*Ordered*, That the said bill be referred to the committee on expiring laws, with instructions to report the same complete.

On motion of Mr. Blake,

*Resolved*, That the bill entitled "An act for the relief of the devisee of William Vyse, late of the city of New-York, deceased," be referred to the committee on the petitions of aliens, to report complete.

Mr. Wheeler gave notice that he would, at an early day, ask leave to introduce a bill to provide for the payment of the costs and expenses incurred by the city and county of New-York, by reason of the trial of Polly, otherwise Mary Bodine.

Mr. Wheeler gave notice that he would, at an early day, ask leave to introduce a bill to prohibit the throwing or depositing in the Croton aqueduct or either of the reservoirs, any dead animal or other offensive matter, or any thing whatever.

On motion of Mr. M'Carthy,

*Resolved*, That the engrossed bill from the Senate, entitled "An act to amend an act to incorporate the Skaneateles Railroad Company," be taken from the general orders, and ordered to a third reading.

On motion of Mr. Wyckoff,

*Resolved*, That the bill changing the location of Washington Park to Fort Green, and the bill entitled "An act relative to the city of Brooklyn," be referred to the committee on the incorporation of cities and villages, to report complete.

On motion of Mr. Crain,

*Resolved*, That the bill entitled "An act to appoint commissioners to lay out a public road from the village of Littlefalls to the town of Warren in the county of Herkimer," be taken from the general orders, and ordered to a third reading.

In pursuance of previous notice, Mr. J. Stevenson asked for and obtained leave to bring in a bill, entitled "An act for the more effectual improvement of public highways;" which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. J. Stevenson,

*Ordered*, That the said bill be engrossed for a third reading.

On motion of Mr. Comstock,

*Resolved*, That the bill entitled "An act further to extend the act incorporating the Ancient Britons' Benefit Society of the city of Utica," and the bill entitled "An act to amend an act to incorporate the trustees of the Black River Annual Conference, passed April 17th, 1841," be taken from the general orders, and referred to the committee on charitable and religious societies, to report complete.

On motion of Mr. Niven,

*Resolved*, That the bill entitled "An act authorising the president, directors and company of the western branch of the Schoharie Turnpike Company to remove the gate in the town of Cobleskill," be taken from the general orders, and referred back to the committee on roads and bridges, to report complete.

On motion of Mr. Hine,

*Resolved*, That the bill entitled "An act authorising Jackson Townsend and Edwin A. Johnson to establish a ferry from Hydepark in Dutchess county, to Esopus in Ulster county," be taken from the general orders, and referred to a select committee, consisting of the members attending this house from the counties of Ulster and Dutchess, to report complete.

On motion of Mr. Bevens,

*Resolved*, That the bill entitled "An act for the relief of James Spraker," be referred to the committee of the whole when on the bill for the relief of Sarah Combs.

On motion of Mr. Hervey,

*Resolved*, That the bill entitled "An act to confirm the sale of real estate made by the trustees of the First Baptist Church and Society in the town of Franklin, and for the relief of said society," be taken from the general orders, and referred to the committee on charitable and religious societies, to report complete.

On motion of Mr. Russell,

*Resolved*, That the bill entitled "An act to incorporate the village of Canton," be referred to the committee on the incorporation of cities and villages, to report complete.

On motion of Mr. Raymond,

*Resolved*, That the bill entitled "An act to authorise the board of supervisors of the county of Monroe to borrow money, and to build a bridge across the Genesee river," be taken from the general orders, and ordered to a third reading.

Mr. Coe offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the resolution of the minority of the committee on canals, relating to the subject of equalizing the tolls on the Erie and Oswego canals, be made the special order for Monday next at twelve o'clock.

Mr. Russell moved to lay the said resolution on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Russell, and it was determined in the affirmative.

Mr. Chase offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That on and after Wednesday next, this House meet at nine o'clock in the forenoon.

*Ordered*, That the said resolution be laid on the table.

On motion of Mr. Bloss,

*Resolved*, That the bill entitled "An act to amend an act entitled 'An act to confirm the title of certain lands conveyed to Richard Richardson,' passed April 18th, 1843," be ordered to a third reading.

The House then proceeded to the consideration of the resolution heretofore offered by Mr. Salisbury, in the words following, to wit :

*Resolved*, That on and after the second day of April, the House take a recess at half past one o'clock in the afternoon.

Mr. Coe moved to lay the said resolution on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Coe, and it was determined in the negative.

Mr. Van Schoonhoven moved to amend the said resolution, by adding thereto the words "and meet again at half past three o'clock in the afternoon."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Van Schoonhoven, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to the said resolution, as amended, and it was determined in the affirmative.

On motion of Mr. Hannum,

*Resolved*, That the bill entitled "An act to authorise the levying of an additional tax in the town of Bethany," be taken from the general orders, and referred to a select committee, consisting of the members attending this house from the county of Genesee, to report complete.

On motion of Mr. Strobridge,

*Resolved*, That the bill entitled "An act authorising Ira Fowler and

Alfred Goodwin to continue a ferry across the Seneca lake," be taken from the general orders, and referred back to the committee on roads and bridges, to report complete.

On motion of Mr. C. B. Miller,

*Resolved*, That the bill entitled "An act to incorporate the Unadilla and Norwich Turnpike Company," be referred to a select committee, consisting of the members attending this house from the counties of Chenango and Otsego, to report complete.

The House then proceeded to the consideration of the resolution heretofore offered by Mr. Oakley, in the words following, to wit :

*Resolved*, That the clerk of the Marine Court of the city of New-York furnish this House, under oath, a statement of the amount of fees, charges and receipts for services in said court by the judges thereof, or the clerks thereof, as the same have from time to time been made up for division among the judges and clerks, and the services for which such moneys were received for the last three years, and a list of the costs now charged for various services, and whether any or all of such charges are included in the judgments rendered in said court.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Chase offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill entitled "An act to divide the town of Chenango," be taken from the general orders, and referred back to the committee on the erection and division of towns and counties, to report complete.

On motion of Mr. Coe,

*Ordered*, That the said resolution be laid on the table.

On motion of Mr. R. L. Stevenson,

*Resolved*, That the bill upon the general orders, entitled "An act for the relief of Orin Tyler and others," be referred to the same committee of the whole having in charge the bill to incorporate the American and Foreign Bible Society.

On motion of Mr. M'Key,

*Resolved*, That the bill entitled "An act to change the name of the village of Fairport to that of Horseheads," be referred to the committee on the internal affairs of towns and counties, to report complete.

Mr. Long gave notice that he would, at an early day, introduce a bill for the relief of school district number nine in the town of Pembroke in the county of Genesee.

Mr. Carpenter offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill number 91 on the general order, entitled "An act for the relief of Patrick Fitzsimmons and James Brady," be referred to number 60 on the general order.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the negative.

On motion of Mr. Van Valkenburgh,

*Resolved*, That the bill entitled "An act to incorporate the Brooklyn Quay Company," be taken from the general orders, and referred to the committee on trade and manufactures, to report complete.



On motion of Mr. Bloss,

*Resolved*, That all the bills relating to the city of Rochester, be taken from the files, and referred to a select committee, consisting of the members attending this house from the county of Monroe, to report the same complete.

Mr. C. F. Crosby offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill for the construction of a bridge across the Hudson at Albany, be the special order for Wednesday next at half past three o'clock, and every day thereafter at that hour until final action thereon is had.

Mr. Van Schoonhoven moved to amend the said resolution, by striking out "half past three o'clock," and inserting "half past ten o'clock in the forenoon."

Mr. M. Brooks moved that the present order of business be passed over.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. M. Brooks, and it was determined in the negative.

The question then recurred on the motion of Mr. Van Schoonhoven.

Mr. T. R. Lee moved to lay the said resolution and amendment on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. T. R. Lee, and it was determined in the affirmative.

Mr. Coe offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the resolution of the minority of the committee on canals, relating to the equalization of tolls, be referred to the committee of the whole having in charge bill number 64 on the general orders.

Mr. M. Brooks moved that the said resolution be laid on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. M. Brooks, and it was determined in the affirmative.

Mr. M'Carthy offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill entitled "An act reducing the rate of interest of money," be made a special order for Tuesday afternoon next, at four o'clock.

Mr. Mather moved that the said resolution be laid on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Mather, and it was determined in the affirmative.

Mr. Fonda offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That all the bills from number 300 to 350, be taken from the general orders, and referred to the committee on grievances, to report complete on or before the fifteenth instant.

*Ordered*, That the said resolution be laid on the table.

On motion of Mr. Bowen,

*Resolved*, That the bill entitled "An act concerning the district attorney of the county of Niagara," be ordered to a third reading.

Mr. Fonda moved that the present order of business be passed over.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Fonda, and it was determined in the affirmative.

By unanimous consent,

Mr. Sweeney, from the committee on expiring laws, to which was recommitted the bill entitled "An act to amend the acts to promote agriculture," with instructions to report the same complete, reported, that the committee had examined the said bill, and made sundry amendments thereto, and saw no reason why the said amended bill should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

The House then proceeded to the consideration of the question of agreeing to the report of the committee of the whole, on the engrossed bill from the Senate, entitled "An act to increase the capital of the Common School Fund," which report was yesterday laid on the table.

Mr. C. F. Crosby moved to strike out all of the first section of the said bill, after the words "school fund."

Debates were had thereon; when, on motion of Mr. Fonda,

The House then adjourned to ten o'clock to-morrow morning.

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## SATURDAY, APRIL 5, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Selkirk.

The minutes of yesterday were read and approved.

The proceedings of a town meeting held in the town of Potsdam in the county of St. Lawrence, praying for the passage of an act authorising a tax to be levied upon said town, to build a town-house, were read, and referred to the committee on the internal affairs of towns and counties.

The petition of sundry inhabitants of the county of Ontario, praying that the subject of license may be submitted to the people, was read, and ordered to be laid on the table.

The petition of sundry inhabitants of the village of Rome in the county of Oneida, praying for a revision of the charter of said village, was read, and referred to the committee on the incorporation of cities and villages.

The petition of C. Heeney of the city of Brooklyn, praying for an act of incorporation, for charitable purposes, was read, and referred to the committee on charitable and religious societies.

The petition of eighty-six inhabitants of the town of Blenheim in the county of Schoharie, praying for the erection of a new town in the said county, was read, and referred to the committee on the erection and division of towns and counties.

The petition of sundry inhabitants of the county of Albany, praying for the passage of a law in relation to landlord and tenant, was read, and referred to the select committee on that subject.

Three several petitions of sundry inhabitants of the county of Washington, praying that the office of county superintendent of common schools may be abolished, were read, and referred to the committee of the whole when on the bill upon that subject.

The resolution adopted at a public meeting held in the town of Hume in the county of Allegany, in favor of continuing the office of county superintendent of common schools, was read, and referred to the committee of the whole when on the bill upon that subject.

Four several petitions of sundry inhabitants of the counties of Allegany, Cattaraugus and New-York, praying for the release of the lien of the State on the New-York and Erie railroad, upon certain conditions, were read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of sundry inhabitants of the counties of Otsego and Schoharie, against running the New-York and Erie railroad into the State of Pennsylvania, was read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of sundry inhabitants of the city of New-York, against the passage of an act authorising the erection of a bridge at the city of Albany, was read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of sundry boatmen navigating the Hudson river, against the erection of a bridge across the said river at the city of Albany, was read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Schoharie, praying for the removal of a certain turnpike gate in the town of Cobleskill in said county, was read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Niagara, praying for a discrimination of tolls on the canals in this State, was read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of sundry inhabitants of the county of Albany, against the incorporation of the American and Foreign Bible Society, was read, and referred to the committee of the whole when on the bill upon that subject.

Mr. Thompson, from the committee on charitable and religious societies, to which was referred the bill entitled "An act further to extend the act incorporating the Ancient Britons' Benefit Society of the village, now city of Utica," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to change the

name of the village of Fairport to that of Horseheads," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was recommitted the bill entitled "An act to prevent the racing and trotting of horses on the Albany and Troy macadamized road, and for other purposes," with instructions to report the same complete, reported, that the committee had examined the said bill, and made sundry amendments thereto, and saw no reason why the said amended bill should not be passed into a law.

Debates were had thereon; when

Mr. T. R. Lee called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to confirm the official acts of Ashbel Palmer, a justice of the peace;" the bill entitled "An act relative to levying a tax on dogs in the county of Queens;" the bill entitled "An act to authorise the laying out of a road from Morehouse to Salisbury," and the bill entitled "An act to incorporate the Rosendale and New-Paltz Turnpike Company," and found the same severally correctly engrossed.

*Ordered*, That the said bills do have their third reading.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was recommitted the bill entitled "An act to prevent the racing and trotting of horses on any of the several roads, streets or avenues in the city and county of New-York, and for other purposes," with instructions to report the same complete, reported, that the committee had examined the said bill, and made sundry amendments thereto, and saw no reason why the said amended bill should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the petition of sundry inhabitants of the county of Westchester, relative to the charter of the village of Sing Sing in said county, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Chase accordingly brought in the said bill, entitled "An act to erect the town of Ossining in the county of West-



chester;" which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. Constant,

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Garretson, from the committee on charitable and religious societies, to which was referred the petition of Z. N. Lewis and others, preachers and members of the Methodist Episcopal Church for Sullivan circuit, praying for the passage of an act to authorise the sale of a lot of ground, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Garretson accordingly brought in the said bill, entitled "An act to authorise the Methodist Episcopal Church of Sullivan circuit to sell and convey real estate, and for other purposes;" which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. Garretson,

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Moulton, from the committee on roads and bridges, to which was referred the bill entitled "An act to incorporate the Port Byron and Savannah Turnpike Road and Bridge Company," with instructions to report the same complete, reported, that the committee had examined the said bill, and made sundry amendments thereto, and saw no reason why the said amended bill should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Dickson, from the committee on the petitions of aliens, to which was referred the bill entitled "An act for the relief of William Vyse, late of the city of New-York, deceased," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the question on agreeing with the committee in their said report, be laid on the table.

Mr. T. R. Lee, from the committee on the judiciary, asked for and obtained leave to bring in a bill, entitled "An act in relation to the circuit court in and for the city and county of New-York;" which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. T. R. Lee,

*Ordered*, That the said bill be engrossed for a third reading.

By unanimous consent, and

In pursuance of previous notice, Mr. Long asked for and obtained leave to bring in a bill, entitled "An act to enable the trustees of school district number nine in the towns of Pembroke, Batavia, Alexander and Darien, Genesee county, to obtain a site for a school-house;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on colleges, academies and common schools.

Mr. S. A. Brown, from the committee on the petitions of aliens, to which was referred the petitions of sundry persons living in Scotland,

claiming to be the heirs at law of John G. Leake ; and also the memorial of the mayor of the city of New-York, as president of the board of trustees of the Leake and Watts Orphan House, reported in writing, and concluded by offering the following resolution, to wit :

*Resolved*, That the committee on the petitions of aliens, to which was referred the petition of certain persons pretending to be heirs at law of John G. Leake, and by reason thereof claiming the lands of which the said Leake died seised, now escheated to the State ; and also the memorial of the trustees of the Leake and Watts Orphan House in the city of New-York, claiming the same lands by virtue of a will, be discharged from the further consideration of said subject.

[ *See Document No. 210.* ]

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. C. F. Crosby, from the minority of the committee on the petitions of aliens, to which was referred the petition of sundry persons living in Scotland, claiming to be the heirs at law of John G. Leake, asked for leave to submit a report.

Leave being granted, Mr. C. F. Crosby accordingly submitted a report in writing, and asked for and obtained leave to bring in a bill, entitled "An act for the relief of the Leake and Watts Orphan House in the city of New-York ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

[ *See Document No. 215.* ]

Mr. Moulton, from the committee on roads and bridges, to which was referred the bill entitled "An act authorising the president, directors and company of the western branch of the Schoharie Turnpike Company to remove their toll-gate on said road in the town of Cobleskill," with instructions to report the same complete, reported, that the committee had examined the said bill, and made an amendment thereto, and saw no reason why the said amended bill should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act in relation to the circuit court in and for the city and county of New-York," and found the same correctly engrossed.

*Ordered*, That the said bill do have its third reading.

On motion of Mr. Hannum,

The said engrossed bill was then read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. Carpenter, from the select committee to which was referred the

bill entitled "An act to incorporate the Unadilla and Norwich Turnpike Company," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

By unanimous consent,

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the petition of sundry inhabitants of the town of Potsdam in the county of St. Lawrence, praying for the passage of an act to authorise the levying of a tax to build a town-house in said town, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Chase accordingly brought in the said bill, entitled "An act to authorise a tax to be levied in the town of Potsdam, to build a town-house;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

By unanimous consent,

Mr. Hervey, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to confirm the sale of real estate made by the trustees of the First Baptist Church and Society in the town of Franklin in the county of Delaware, and for the relief of said society," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

On motion of Mr. Hine, by unanimous consent,

*Resolved*, That the bill entitled "An act in relation to costs upon trials before courts of special sessions;" the bill entitled "An act in relation to the costs of certain examinations before justices of the peace and other officers of courts of special sessions;" the bill entitled "An act abolishing the office of overseer of the poor in the several towns in the county of Steuben, and also repealing the law authorising justices of the peace to grant temporary relief in said county;" and the bill entitled "An act to abolish courts of special sessions, and to reduce town and county expenses," be taken from the files of the house, and referred to a select committee, to consist of one from each Senate district, to report complete.

On motion of Mr. Hervey, by unanimous consent,

*Resolved*, That the bill entitled "An act concerning the district attorney of the county of Greene," which was reported by the committee on the judiciary, be engrossed for a third reading.

By unanimous consent,

Mr. Tuthill, from the committee on roads and bridges, to which was referred the bill entitled "An act authorising Ira Fowler and Alfred Goodwin to continue a ferry across the Seneca lake," with instructions

to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

On motion of Mr. Boughton, by unanimous consent,

*Resolved*, That the bill entitled "An act for the relief of James Dana, William Youngs and David A. Richtmyer, late commissioners of highways of the town of Carlisle, Schoharie county," be taken from the general orders, and be engrossed for a third reading.

By unanimous consent,

Mr. Ross, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act relative to the city of Brooklyn," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

By unanimous consent,

Mr. Ross, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to change the location of Washington Park in the city of Brooklyn," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

By unanimous consent, and

In pursuance of previous notice, Mr. Wheeler asked for and obtained leave to bring in a bill, entitled "An act to prohibit the throwing or depositing in the Croton aqueduct, or either of the reservoirs, any dead animal or other offensive matter, or any thing whatever;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

By unanimous consent, and

In pursuance of previous notice, Mr. Wheeler asked for and obtained leave to bring in a bill, entitled "An act to provide for the payment of the costs and expenses incurred in the city and county of New-York, by reason of the trial of Polly, otherwise called Mary Bodine;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

On motion of Mr. Raymond, by unanimous consent,

*Resolved*, That the bill entitled "An act amendatory of the act in relation to the election and terms of office of town assessors and commissioners of highways," be taken from the table, and referred to the committee on the internal affairs of towns and counties, to make certain amendments thereto.



By unanimous consent,

Mr. Hine, from the committee on the erection and division of towns and counties, to which was referred the petition of sundry inhabitants of the town of Virgil in the county of Cortland, for a division of said town, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Hine accordingly brought in the said bill, entitled "An act to divide the town of Virgil;" which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. Hine,

*Ordered*, That the said bill be engrossed for a third reading.

By unanimous consent,

Mr. Titus, from the committee on trade and manufactures, to which was referred the petition of sundry inhabitants of the county of Otsego, praying for the passage of a law relative to liens on buildings, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Titus accordingly brought in the said bill, entitled "An act for the better security of mechanics and others erecting buildings and furnishing materials therefor;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
Albany, April 4, 1845. }

TO THE ASSEMBLY.

I have this day approved and signed the bill entitled "An act for the relief of certain purchasers of lands in the Oneida reservation in 1840 and 1841."

SILAS WRIGHT.

A statement from the Manhattan Company, of unclaimed dividends and deposits for two years previous to the first of September, 1844, was received, read, and ordered to be printed and laid on the table.

[See Document No. 219.]

On motion of Mr. D. Lee, by unanimous consent,

*Resolved*, That the bill entitled "An act in relation to the ferry at Blackrock," be taken from the general orders, and referred to the committee on roads and bridges, to report complete.

A message from the Senate, with the bills and amendments therein mentioned, was received and read, informing that the Senate had concurred in the amendments of the Assembly to the bill entitled "An act to incorporate the Delaware Turnpike Company," and to the bill entitled "An act in relation to the receiver of the Farmers' Bank of Orleans," and amended the same severally accordingly.

The said amended bills having been examined,

*Ordered*, That the Clerk return the same to the Senate.

A message from the Senate, with the bill and amendments therein mentioned, was received and read, informing that the Senate had non-concurred in the amendments of the Assembly to the bill entitled "An act to amend the Revised Statutes, in relation to the enumeration of the inhabitants of this State."

On motion of Mr. Russell, by unanimous consent,

*Resolved*, That the bill entitled "An act to authorise a tax to be levied in the town of Potsdam, to build a town-house," be taken from the general orders, and engrossed for a third reading.

The engrossed bill entitled "An act relative to levying a tax on dogs in the county of Queens," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill entitled "An act to confirm the official acts of Ashbel Palmer, a justice of the peace," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bills to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to incorporate the Rosendale and New-Paltz Turnpike Company," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES    92 }  
 { NAYS    00 }

Those who voted in the affirmative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Bachman      | Mr. Hammond    | Mr. Raymond         |
| Mr. Bagg         | Mr. Hannum     | Mr. Rice            |
| Mr. Barber       | Mr. Harden     | Mr. Ross            |
| Mr. Betts        | Mr. Harris     | Mr. Russell         |
| Mr. Bevens       | Mr. Hazelton   | Mr. Sager           |
| Mr. Boughton     | Mr. Heermans   | Mr. Salisbury       |
| Mr. Bowen        | Mr. Hervey     | Mr. Sears           |
| Mr. J. Brooks    | Mr. Hine       | Mr. Skelton         |
| Mr. M. Brooks    | Mr. Horton     | Mr. W. Smith        |
| Mr. L. H. Brown  | Mr. Howard     | Mr. Speaker         |
| Mr. S. A. Brown  | Mr. Jarvis     | Mr. Spring          |
| Mr. Bunker       | Mr. Johnson    | Mr. J. Stevenson    |
| Mr. Burdick      | Mr. Jones      | Mr. R. L. Stevenson |
| Mr. Carpenter    | Mr. Kinne      | Mr. Strobbridge     |
| Mr. Casner       | Mr. Knapp      | Mr. Sweeney         |
| Mr. Chase        | Mr. D. Lee     | Mr. Thayer          |
| Mr. Coe          | Mr. T. R. Lee  | Mr. Thompson        |
| Mr. Collins      | Mr. Litchfield | Mr. Tibbits         |
| Mr. C. F. Crosby | Mr. Long       | Mr. Titus           |
| Mr. Danforth     | Mr. M'Carthy   | Mr. Tuthill         |
| Mr. Dickson      | Mr. M'Donald   | Mr. Van Schoonhoven |

|               |                  |                     |
|---------------|------------------|---------------------|
| Mr. Fellows   | Mr. M'Key        | Mr. Van Valkenburgh |
| Mr. Field     | Mr. Mann         | Mr. Walrath         |
| Mr. Fonda     | Mr. Mather       | Mr. Wells           |
| Mr. Frisbee   | Mr. Mersereau    | Mr. Wheeler         |
| Mr. Garretson | Mr. C. B. Miller | Mr. White           |
| Mr. Giffard   | Mr. S. Miller    | Mr. Whitney         |
| Mr. D. Gould  | Mr. Moulton      | Mr. Worden          |
| Mr. G. Goold  | Mr. Newkirk      | Mr. Wyckoff         |
| Mr. Gregory   | Mr. Niven        | Mr. A. W. Young     |
| Mr. Hall      | Mr. Porter       |                     |

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*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to confirm the official acts of Jonathan Lay, a justice of the peace," and found the same correctly engrossed.

*Ordered*, That the said bill do have its third reading.

The engrossed bill entitled "An act to lay out a road from Morehouse to Salisbury," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill entitled "An act to confirm the official acts of Jonathan Lay, a justice of the peace," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bills to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to amend an act entitled 'An act to incorporate the village of Greene,' passed April 12th, 1842," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 93 }  
{ NAYS 00 }

Those who voted in the affirmative are

|                 |              |              |
|-----------------|--------------|--------------|
| Mr. Bachman     | Mr. Gregory  | Mr. Niven    |
| Mr. Bagg        | Mr. Hall     | Mr. Pierce   |
| Mr. Barber      | Mr. Hammond  | Mr. Porter   |
| Mr. Betts       | Mr. Harden   | Mr. Raymond  |
| Mr. Bevens      | Mr. Harris   | Mr. Rice     |
| Mr. Bloss       | Mr. Hazelton | Mr. Ross     |
| Mr. Boughton    | Mr. Heermans | Mr. Russell  |
| Mr. Bowen       | Mr. Hervey   | Mr. Sager    |
| Mr. J. Brooks   | Mr. Hine     | Mr. Sears    |
| Mr. M. Brooks   | Mr. Horton   | Mr. Skelton  |
| Mr. L. H. Brown | Mr. Howard   | Mr. W. Smith |

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. S. A. Brown  | Mr. Huntington   | Mr. Speaker         |
| Mr. Bunker       | Mr. Jarvis       | Mr. Spring          |
| Mr. Burdick      | Mr. Johnson      | Mr. J. Stevenson    |
| Mr. Carpenter    | Mr. Jones        | Mr. R. L. Stevenson |
| Mr. Casner       | Mr. Kinne        | Mr. Strobridge      |
| Mr. Chase        | Mr. Knapp        | Mr. Sweeney         |
| Mr. Coe          | Mr. D. Lee       | Mr. Thayer          |
| Mr. Collins      | Mr. T. R. Lee    | Mr. Thompson        |
| Mr. Constant     | Mr. Litchfield   | Mr. Tibbits         |
| Mr. C. F. Crosby | Mr. Long         | Mr. Tuthill         |
| Mr. Danforth     | Mr. M'Carthy     | Mr. Van Schoonhoven |
| Mr. Dickson      | Mr. M'Donald     | Mr. Van Valkenburgh |
| Mr. Fellows      | Mr. M'Key        | Mr. Walrath         |
| Mr. Field        | Mr. M'Vean       | Mr. Wells           |
| Mr. Fonda        | Mr. Mather       | Mr. Wheeler         |
| Mr. Frisbee      | Mr. Mersereau    | Mr. White           |
| Mr. Garretson    | Mr. C. B. Miller | Mr. Whitney         |
| Mr. Giffard      | Mr. S. Miller    | Mr. Worden          |
| Mr. D. Gould     | Mr. Moulton      | Mr. Wyckoff         |
| Mr. G. Goold     | Mr. Newkirk      | Mr. A. W. Young 93  |

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act for the collection of taxes in the city of Albany," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |      |    |   |
|---|------|----|---|
| { | AYES | 88 | } |
| { | NAYS | 00 | } |

Those who voted in the affirmative are

|                 |              |                     |
|-----------------|--------------|---------------------|
| Mr. Bachman     | Mr. Hammond  | Mr. Pierce          |
| Mr. Bagg        | Mr. Hannum   | Mr. Porter          |
| Mr. Barber      | Mr. Harden   | Mr. Raymond         |
| Mr. Betts       | Mr. Harris   | Mr. Rice            |
| Mr. Bevins      | Mr. Hazelton | Mr. Ross            |
| Mr. Bloss       | Mr. Heermans | Mr. Russell         |
| Mr. Boughton    | Mr. Hervey   | Mr. Sager           |
| Mr. Bowen       | Mr. Hine     | Mr. Salisbury       |
| Mr. J. Brooks   | Mr. Horton   | Mr. Sears           |
| Mr. M. Brooks   | Mr. Howard   | Mr. Skelton         |
| Mr. L. H. Brown | Mr. Jarvis   | Mr. W. Smith        |
| Mr. S. A. Brown | Mr. Johnson  | Mr. Speaker         |
| Mr. Bunker      | Mr. Jones    | Mr. Spring          |
| Mr. Burdick     | Mr. Kinne    | Mr. J. Stevenson    |
| Mr. Carpenter   | Mr. Knapp    | Mr. R. L. Stevenson |



|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Casner       | Mr. D. Lee       | Mr. Strobbridge     |
| Mr. Chase        | Mr. T. R. Lee    | Mr. Sweeney         |
| Mr. Coe          | Mr. Litchfield   | Mr. Thayer          |
| Mr. Collins      | Mr. Long         | Mr. Thompson        |
| Mr. C. F. Crosby | Mr. M'Carthy     | Mr. Titus           |
| Mr. Danforth     | Mr. M'Donald     | Mr. Tuthill         |
| Mr. Dickson      | Mr. M'Key        | Mr. Van Schoonhoven |
| Mr. Fellows      | Mr. M'Vean       | Mr. Van Valkenburgh |
| Mr. Field        | Mr. Mann         | Mr. Wells           |
| Mr. Frisbee      | Mr. Mersereau    | Mr. White           |
| Mr. Garretson    | Mr. C. B. Miller | Mr. Whitney         |
| Mr. D. Gould     | Mr. Moulton      | Mr. Worden          |
| Mr. G. Goold     | Mr. Newkirk      | Mr. Wyckoff         |
| Mr. Gregory      | Mr. Niven        | Mr. A. W. Young     |
| Mr. Hall         |                  |                     |

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*Ordered,* That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to incorporate the Troy Gas Light Company," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 87 }  
{ NAYS 00 }

Those who voted in the affirmative are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Bachman     | Mr. Gregory    | Mr. Pierce          |
| Mr. Bagg        | Mr. Hall       | Mr. Porter          |
| Mr. Bailey      | Mr. Hammond    | Mr. Raymond         |
| Mr. Barber      | Mr. Hannum     | Mr. Rice            |
| Mr. Betts       | Mr. Harris     | Mr. Ross            |
| Mr. Bevens      | Mr. Hazelton   | Mr. Sager           |
| Mr. Bloss       | Mr. Heermans   | Mr. Salisbury       |
| Mr. Boughton    | Mr. Hervey     | Mr. Skelton         |
| Mr. Bowen       | Mr. Hine       | Mr. W. Smith        |
| Mr. J. Brooks   | Mr. Horton     | Mr. Speaker         |
| Mr. M. Brooks   | Mr. Howard     | Mr. Spring          |
| Mr. L. H. Brown | Mr. Huntington | Mr. J. Stevenson    |
| Mr. S. A. Brown | Mr. Jarvis     | Mr. R. L. Stevenson |
| Mr. Bunker      | Mr. Jones      | Mr. Strobbridge     |
| Mr. Burdick     | Mr. Kinne      | Mr. Sweeney         |
| Mr. Carpenter   | Mr. Knapp      | Mr. Thayer          |
| Mr. Casner      | Mr. D. Lee     | Mr. Thompson        |
| Mr. Chase       | Mr. T. R. Lee  | Mr. Tibbits         |
| Mr. Coe         | Mr. Long       | Mr. Tuthill         |
| Mr. Collins     | Mr. M'Donald   | Mr. Van Schoonhoven |

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. C. F. Crosby | Mr. M'Key        | Mr. Van Valkenburgh |
| Mr. Danforth     | Mr. M'Vean       | Mr. Walrath         |
| Mr. Dickson      | Mr. Mann         | Mr. Wells           |
| Mr. Fellows      | Mr. Mersereau    | Mr. Wheeler         |
| Mr. Field        | Mr. C. B. Miller | Mr. White           |
| Mr. Frisbee      | Mr. S. Miller    | Mr. Whitney         |
| Mr. Garretson    | Mr. Moulton      | Mr. Worden          |
| Mr. D. Gould     | Mr. Newkirk      | Mr. Wyckoff         |
| Mr. G. Goold     | Mr. Niven        | Mr. A. W. Young 87  |

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

A message from the Senate, with the bill and amendments therein mentioned, was received and read, informing that the Senate had concurred in the amendments of the Assembly to the bill entitled "An act authorising the New-York and Erie Railroad Company to construct a branch terminating at the village of Newburgh," and amended the same accordingly.

The said amended bill having been examined,

*Ordered*, That the Clerk return the same to the Senate.

The engrossed bill entitled "An act to condense and amend the several acts relating to the village of Geneseo," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 93 }  
{ NAYS 00 }

Those who voted in the affirmative are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Bachman     | Mr. Hall       | Mr. Porter          |
| Mr. Bagg        | Mr. Hammond    | Mr. Raymond         |
| Mr. Bailey      | Mr. Hannum     | Mr. Rice            |
| Mr. Barber      | Mr. Harden     | Mr. Ross            |
| Mr. Betts       | Mr. Harris     | Mr. Sager           |
| Mr. Bevens      | Mr. Hazelton   | Mr. Salisbury       |
| Mr. Bloss       | Mr. Heermans   | Mr. Sears           |
| Mr. Boughton    | Mr. Hervey     | Mr. Skelton         |
| Mr. Bowen       | Mr. Hine       | Mr. W. Smith        |
| Mr. J. Brooks   | Mr. Horton     | Mr. Speaker         |
| Mr. M. Brooks   | Mr. Howard     | Mr. Spring          |
| Mr. L. H. Brown | Mr. Huntington | Mr. J. Stevenson    |
| Mr. S. A. Brown | Mr. Jarvis     | Mr. R. L. Stevenson |
| Mr. Bunker      | Mr. Jones      | Mr. Strobridge      |
| Mr. Burdick     | Mr. Kinne      | Mr. Sweeney         |
| Mr. Carpenter   | Mr. Knapp      | Mr. Thayer          |
| Mr. Casner      | Mr. D. Lee     | Mr. Thompson        |
| Mr. Chase       | Mr. T. R. Lee  | Mr. Tibbits         |

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Coe          | Mr. Litchfield   | Mr. Titus           |
| Mr. Collins      | Mr. M'Carthy     | Mr. Tuthill         |
| Mr. Constant     | Mr. M'Donald     | Mr. Van Schoonhoven |
| Mr. C. F. Crosby | Mr. M'Key        | Mr. Van Valkenburgh |
| Mr. Danforth     | Mr. M'Vean       | Mr. Walrath         |
| Mr. Dickson      | Mr. Mann         | Mr. Wells           |
| Mr. Fellows      | Mr. Mersereau    | Mr. Wheeler         |
| Mr. Field        | Mr. C. B. Miller | Mr. White           |
| Mr. Frisbee      | Mr. S. Miller    | Mr. Whitney         |
| Mr. Garretson    | Mr. Moulton      | Mr. Worden          |
| Mr. D. Gould     | Mr. Newkirk      | Mr. Wyckoff         |
| Mr. G. Goold     | Mr. Niven        | Mr. A. W. Young     |
| Mr. Gregory      | Mr. Pierce       | Mr. J. Young        |

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*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to extend the acts to promote agriculture," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
Albany, April 5, 1845. }

TO THE ASSEMBLY.

I have this day approved and signed the bill entitled "An act in relation to the circuit court in and for the city and county of New-York."

SILAS WRIGHT.

On motion of Mr. Hannum, by unanimous consent,

*Resolved*, That the bill entitled "An act to amend an act entitled 'An act to incorporate the village of Geddes,'" be taken from the general orders, and referred to the committee on the incorporation of cities and villages, to report complete.

By unanimous consent,

Mr. Bailey, from the select committee to which was referred the bill entitled "An act to provide for laying out and constructing a road through the Highlands, from Croton bridge in the county of Westchester, to Fishkill landing in Dutchess county," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

By unanimous consent,

Mr. Thompson, from the committee on charitable and religious societies, to which was referred the petition of sundry citizens of the city of New-York, for the passage of an act relative to the rights of pewholders,

reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Thompson accordingly brought in the said bill, entitled "An act to amend an act entitled 'An act to provide for the incorporation of religious societies,' passed April 5th, 1813;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

The House then proceeded to the consideration of the question of agreeing to the report of the committee of the whole, on the engrossed bill from the Senate, entitled "An act to increase the capital of the Common School Fund."

The question recurred on agreeing to the motion made by Mr. C. F. Crosby, to strike out of the first section of the said bill all after the words "School fund."

Debates were had thereon; when

Mr. Chase called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Whereupon,

Mr. Speaker put the question whether the House would agree with the committee of the whole in their report on the said bill, and it was determined in the negative.

{ AYES    39 }  
 { NAYS   50 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                  |                |                       |
|------------------|----------------|-----------------------|
| Mr. Bowen        | Mr. Garretson  | Mr. M'Key             |
| Mr. L. H. Brown  | Mr. D. Gould   | Mr. M'Vean            |
| Mr. S. A. Brown  | Mr. G. Goold   | Mr. Mather            |
| Mr. Burdick      | Mr. Hannum     | Mr. Mersereau         |
| Mr. Casner       | Mr. Harden     | Mr. Porter            |
| Mr. Chase        | Mr. Harris     | Mr. Skelton           |
| Mr. Coe          | Mr. Huntington | Mr. Speaker           |
| Mr. Collins      | Mr. Jarvis     | Mr. Sweeney           |
| Mr. Constant     | Mr. Jones      | Mr. Van Valkenburgh   |
| Mr. C. F. Crosby | Mr. Knapp      | Mr. Walrath           |
| Mr. E. Crosby    | Mr. D. Lee     | Mr. Wheeler           |
| Mr. Dickson      | Mr. Long       | Mr. White             |
| Mr. Field        | Mr. M'Donald   | Mr. A. W. Young    39 |

Those who voted in the negative are

|             |            |               |
|-------------|------------|---------------|
| Mr. Bachman | Mr. Hervey | Mr. Sager     |
| Mr. Bagg    | Mr. Hine   | Mr. Salisbury |



|               |                  |                     |
|---------------|------------------|---------------------|
| Mr. Barber    | Mr. Horton       | Mr. Sears           |
| Mr. Betts     | Mr. Johnson      | Mr. Spring          |
| Mr. Bevins    | Mr. Kinne        | Mr. J. Stevenson    |
| Mr. Bloss     | Mr. T. R. Lee    | Mr. R. L. Stevenson |
| Mr. Boughton  | Mr. Litchfield   | Mr. Thayer          |
| Mr. J. Brooks | Mr. M'Carthy     | Mr. Thompson        |
| Mr. M. Brooks | Mr. Mann         | Mr. Tibbits         |
| Mr. Bunker    | Mr. C. B. Miller | Mr. Titus           |
| Mr. Fellows   | Mr. S. Miller    | Mr. Tuthill         |
| Mr. Fonda     | Mr. Moulton      | Mr. Van Schoonhoven |
| Mr. Frisbee   | Mr. Newkirk      | Mr. Wells           |
| Mr. Gregory   | Mr. Niven        | Mr. Whitney         |
| Mr. Hammond   | Mr. Raymond      | Mr. Worden          |
| Mr. Hazelton  | Mr. Rice         | Mr. J. Young        |
| Mr. Heermance | Mr. Ross         |                     |

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Mr. Niven moved a reconsideration of the said vote.

Pending the consideration of the said motion of Mr. Niven, Mr. T. R. Lee moved that the House adjourn.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. T. R. Lee, and it was determined in the affirmative.

} AYES 45 }  
 } NAYS 41 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Bloss        | Mr. D. Gould   | Mr. Mather          |
| Mr. Bowen        | Mr. Hammond    | Mr. Mersereau       |
| Mr. L. H. Brown  | Mr. Hannum     | Mr. Porter          |
| Mr. S. A. Brown  | Mr. Harden     | Mr. Rice            |
| Mr. Bunker       | Mr. Harris     | Mr. Skelton         |
| Mr. Burdick      | Mr. Huntington | Mr. Sweeney         |
| Mr. Casner       | Mr. Jarvis     | Mr. Van Schoonhoven |
| Mr. Chase        | Mr. Jones      | Mr. Van Valkenburgh |
| Mr. Coe          | Mr. Knapp      | Mr. Walrath         |
| Mr. Collins      | Mr. T. R. Lee  | Mr. Wells           |
| Mr. Constant     | Mr. Long       | Mr. Wheeler         |
| Mr. C. F. Crosby | Mr. M'Donald   | Mr. White           |
| Mr. Dickson      | Mr. M'Key      | Mr. Worden          |
| Mr. Field        | Mr. M'Vean     | Mr. A. W. Young     |
| Mr. Garretson    | Mr. Mann       | Mr. J. Young        |

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Those who voted in the negative are

|             |              |               |
|-------------|--------------|---------------|
| Mr. Bachman | Mr. Heermans | Mr. Raymond   |
| Mr. Bagg    | Mr. Hervey   | Mr. Sager     |
| Mr. Barber  | Mr. Hine     | Mr. Salisbury |

|               |                  |                     |
|---------------|------------------|---------------------|
| Mr. Betts     | Mr. Horton       | Mr. Sears           |
| Mr. Bevens    | Mr. Johnson      | Mr. Spring          |
| Mr. Boughton  | Mr. Kinne        | Mr. J. Stevenson    |
| Mr. J. Brooks | Mr. D. Lee       | Mr. R. L. Stevenson |
| Mr. M. Brooks | Mr. Litchfield   | Mr. Thayer          |
| Mr. Fellows   | Mr. M'Carthy     | Mr. Thompson        |
| Mr. Fonda     | Mr. C. B. Miller | Mr. Tibbits         |
| Mr. Frisbee   | Mr. S. Miller    | Mr. Titus           |
| Mr. G. Goold  | Mr. Moulton      | Mr. Tuthill         |
| Mr. Gregory   | Mr. Newkirk      | Mr. Whitney         |
| Mr. Hazelton  | Mr. Niven        |                     |

The House then adjourned to ten o'clock on Monday morning next.

## MONDAY, APRIL 7, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Wilkins.

The minutes of Saturday were read and approved.

Two several petitions and a report adopted at a public meeting held in the village of Syracuse in the county of Onondaga, praying for the passage of a law authorising the borrowing of money to build a town-house and market in the said village, were read, and referred to the committee on the internal affairs of towns and counties.

The resolutions of sundry inhabitants of the town of Newburgh in the county of Orange, in favor of a change of the time of holding the town meeting in said town, were read, and referred to the committee on the internal affairs of towns and counties.

The petition of sundry inhabitants of the city of New-York, praying for the passage of a law to extend the water limits in said city, was read, and referred to the committee on the internal affairs of towns and counties.

The petition of sundry inhabitants of the town of Wilson in the county of Niagara, praying for the incorporation of an academy in said town, was read, and referred to the committee on colleges, academies and common schools.

The petition of one hundred and fourteen inhabitants of the village of Cambridge in the county of Washington, praying for the passage of a law authorising the Secretary of State to distribute, at the public expense, a copy of the Natural History of the State of New-York, to each college and academy under the care of the Regents of the University, was read, and referred to the committee on colleges, academies and common schools.

Two several petitions of sundry inhabitants of the counties of New-York and Chautauque, praying that the New-York and Erie Railroad

Company may be allowed to connect their road with roads leading into the State of Pennsylvania, were read, and referred to the committee of the whole when on the bill upon that subject.

Four several remonstrances of sundry inhabitants of the county of Otsego, against running any portion of the New-York and Erie railroad into the State of Pennsylvania, were read, and referred to the committee of the whole when on the bill upon that subject.

Five several remonstrances of sundry inhabitants of the county of Kings, against the passage of an act authorising the erection of a bridge across the Hudson river at the city of Albany, were read, and referred to the committee of the whole when on the bill upon that subject.

Two several remonstrances of sundry inhabitants of the counties of Albany and Washington, against the incorporation of the American and Foreign Bible Society, were read, and referred to the committee of the whole when on the bill upon that subject.

Two several remonstrances of sundry inhabitants of the village of Newburgh in the county of Orange, against any alteration in the charter of the Newburgh and Plattekill Turnpike Company, were read, and referred to the committee on roads and bridges.

The remonstrance of sundry inhabitants of the county of Otsego, against conferring the office of commissioner of deeds exclusively on the profession of the law, was read, and referred to a select committee.

The petition of sundry inhabitants of the county of Westchester, praying for the construction of the New-York and Newhaven railroad, was read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of sundry inhabitants of the county of Cortland, against closing the canal locks on Sundays, was read, and referred to the committee of the whole when on the resolutions upon that subject.

A message from the Senate, with the bills therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act relating to bail in the Court of Chancery, and for other purposes ;" the bill entitled "An act to enable Charles De la Forest to hold and convey real estate ;" the bill entitled "An act in relation to the acknowledgment and proof of deeds and mortgages ;" the bill entitled "An act in relation to the sale of the assets of the Oswego Bank ;" the bill entitled "An act requiring certain commissioners under an act of May 26th, 1841, and the acts amendatory thereto, to drain certain lands in the county of Jefferson, to render an account ;" the bill entitled "An act in relation to distress for rent ;" the bill entitled "An act supplementary to an act entitled 'An act to establish uniform fees of clerks in naturalization cases, and to provide for the taxation of the fees of clerks and registers of counties,' passed April 6th, 1844 ;" the bill entitled "An act for the relief of Richard Perkins, William M. Smith and Joseph U. Blood ;" the bill entitled "An act to connect lots number nine and ten in Virgil, Cortland county, to Cortlandville in said county ;" the bill entitled "An act to amend an act entitled 'An act to incorporate the Albany Gas Light Company ;" the bill entitled "An act to amend an act entitled 'An act to incorporate the Newburgh and Plattekill Turnpike Company,' passed June 12th, 1812 ;" the bill entitled "An act to

incorporate the Syracuse Orphan Asylum," and the bill entitled "An act in relation to the trustees of the Third Presbyterian Society of the city of Albany," and request the concurrence of the Assembly in the same.

The said bills were severally read the first time, and by unanimous consent were also read a second time, and the bill entitled "An act relating to bail in the Court of Chancery, and for other purposes," was referred to the committee on the judiciary; the bill entitled "An act to enable Charles De la Forest to hold and convey real estate," was referred to the committee on the petitions of aliens; the bill entitled "An act in relation to the acknowledgment and proof of deeds and mortgages," was referred to the committee on the judiciary; the bill entitled "An act in relation to the sale of the assets of the Oswego Bank," was referred to the committee on banks and insurance companies; the bill entitled "An act requiring certain commissioners under an act of May 26th, 1841, and the acts amendatory thereto, to drain certain lands in the county of Jefferson, to render an account," was referred to the committee on the internal affairs of towns and counties; the bill entitled "An act in relation to distress for rent," was referred to the committee on the judiciary; the bill entitled "An act supplementary to an act entitled 'An act to establish uniform fees of clerks in naturalization cases, and to provide for the taxation of the fees of clerks and registers of counties,' passed April 6th, 1844," on motion of Mr. Harris, was laid on the table; the bill entitled "An act for the relief of Richard Perkins, William M. Smith and Joseph U. Blood," was referred to the committee on claims; the bill entitled "An act to connect lots nine and ten in Virgil, Cortland county, to Cortlandville in said county," was referred to the committee on the erection and division of towns and counties; the bill entitled "An act to amend an act entitled 'An act to incorporate the Albany Gas Light Company,' on motion of Mr. Harris, was ordered to have its third reading; the bill entitled "An act to amend an act entitled 'An act to incorporate the Newburgh and Plattekill Turnpike Company,' passed June 12th, 1812," was referred to the committee on roads and bridges; the bill entitled "An act to incorporate the Syracuse Orphan Asylum," on motion of Mr. M'Carthy, was ordered to have its third reading; and the bill entitled "An act in relation to the trustees of the Third Presbyterian Society of the city of Albany," on motion of Mr. Harris, was ordered to have its third reading.

A message from the Senate, with the bill therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act to authorise and require the trustees of joint school district number fourteen of Clay and Cicero to levy and collect a tax for the relief of Hiram M. Wright and Joseph Rector," without amendment.

*Ordered,* That the Clerk deliver the said bill to the Governor.

A message from the Senate, with the bill therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act for the relief of the New-York Institution for the Blind," with the amendment thereto therewith delivered.



The said amendment having been read,

*Ordered*, That the said bill and amendments be referred to the committee on charitable and religious societies.

By unanimous consent,

Mr. Hine, from the select committee to which was referred the bill from the Senate, entitled "An act to provide for building a bridge across the Walkill at New-Paltz village," with instructions to report the same complete, reported, that the committee had examined the said bill, and made sundry amendments thereto, and saw no reason why the said amended bill should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said amendments be engrossed, and the bill have its third reading.

The House then resolved itself into a committee of the whole, on the bill entitled "An act for the relief of Patrick Fitzsimmons and James Brady;" on the bill entitled "An act authorising the board of supervisors of the counties of Madison and Dutchess to restore the distinction between county and town poor," and on the bill entitled "An act to incorporate the Hudson Orphan and Relief Association;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Garretson, from the said committee, reported progress on the bill entitled "An act for the relief of Patrick Fitzsimmons and James Brady," and asked for leave to sit again.

Mr. Danforth moved that the said bill be recommitted to the committee on grievances, and retain its priority on the general orders.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Danforth, and it was determined in the affirmative.

Mr. Garretson, from the same committee, reported progress on the bill entitled "An act authorising the board of supervisors of the counties of Madison and Dutchess to restore the distinction between county and town poor," and asked for and obtained leave to sit again.

Mr. Garretson, from the same committee, reported, that the committee had gone through the bill entitled "An act to incorporate the Hudson Orphan and Relief Association," made sundry amendments thereto, and agreed to the same; which report was agreed to by the house, and the bill ordered to be engrossed for third reading.

Mr. Carpenter, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to prevent the racing and trotting of horses on the Albany and Troy macadamized road, and for other purposes;" the bill entitled "An act to erect the town of Ossinning in the county of Westchester;" the bill entitled "An act concerning the district attorney in the county of Ulster;" the bill entitled "An act to authorise a tax to be levied in the town of Potsdam, to build a town-house;" the bill entitled "An act to change the name of the village of Fairport to that of Horseheads;" the bill entitled "An act to amend the Revised Statutes, relative to procuring abortions;" the bill entitled "An act concerning the Congregational Society in the town of Spencer;" the bill entitled "An act for the more effectual improvement of public highways;" the bill entitled "An act authorising Ira

Fowler and Alfred Goodwin to continue a ferry across the Seneca lake," and the bill entitled "An act to incorporate the Fire Department of the village of West-Troy," and found the same severally correctly engrossed.

*Ordered*, That the said bills do have their third reading.

The House then resolved itself into a committee of the whole, on the bill entitled "An act to incorporate the American and Foreign Bible Society;" on the bill entitled "An act to amend the charter of the village of Cazenovia," and on the bill entitled "An act for the relief of Orrin Tyler and others;" and after some time spent thereon, Mr. Speaker resumed the chair, and announced that the hour of half past one o'clock in the afternoon had arrived.

Whereupon,

The House took a recess until half past three o'clock this afternoon.

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### HALF PAST THREE O'CLOCK, P. M.

The House again met.

The Chair announced the appointment of a select committee on the several bills relative to the reduction of county and town expenses, to consist of Mr. Hine, Mr. Wheeler, Mr. Harris, Mr. Hazelton, Mr. Danforth, Mr. M-Key, Mr. R. L. Stevenson and Mr. Bush.

The House then resumed, in committee of the whole, the consideration of the several bills which were before the said committee at the time of taking the recess; and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Bloss, from the said committee, reported, that the committee had gone through the bill entitled "An act to incorporate the American and Foreign Bible Society," made sundry amendments thereto, and agreed to the same; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. Bloss, from the same committee, reported, that the committee had gone through the bill entitled "An act for the relief of Orrin Tyler and others," made sundry amendments thereto, and agreed to the same; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. Bloss, from the same committee, reported, that the committee had gone through the bill entitled "An act to amend the charter of the village of Cazenovia," and agreed to the same without amendment; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

The House then resolved itself into a committee of the whole, on the bill entitled "An act to extend the charter of the Commercial Bank of the city of Albany;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Chase, from the said committee, reported progress, and asked for and obtained leave to sit again.

The House then resolved itself into a committee of the whole, on the bill entitled "An act for the relief of Sarah Combs, widow of John Combs;" on the bill entitled "An act for the relief of James Spraker,"

and on the bill entitled "An act to amend the act entitled 'An act to incorporate the village of Bath in the county of Steuben;'" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Russell, from the said committee, reported, that the committee had gone through the bill entitled "An act for the relief of Sarah Combs, widow of John Combs," and agreed to the same without amendment; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. Russell, from the same committee, reported progress on the bill entitled "An act for the relief of James Spraker," and asked for and obtained leave to sit again.

Mr. Russell, from the same committee, reported progress on the bill entitled "An act to amend the act entitled 'An act to incorporate the village of Bath in the county of Steuben,'" and asked for leave to sit again.

On motion of Mr. Harris,

*Ordered*, That the said bill be referred to the committee on the incorporation of cities and villages, to report the same complete.

The House then resolved itself into a committee of the whole, on the bill entitled "An act for the relief of Abial Payne;" on the bill entitled "An act for the relief of Hezekiah Sage, John I. Walrath and Albert T. Dunham," and on the bill entitled "An act for the relief of the Trust Fire Insurance Company in the city of New-York;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. D. Lee, from the said committee, reported progress on the bill entitled "An act for the relief of Abial Payne," and asked for and obtained leave to sit again.

Mr. D. Lee, from the same committee, reported, that the committee had gone through the bill entitled "An act for the relief of Hezekiah Sage, John I. Walrath and Albert T. Dunham," made sundry amendments thereto, and agreed to the same; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. D. Lee, from the same committee, reported progress on the bill entitled "An act for the relief of the Trust Fire Insurance Company in the city of New-York," and asked for and obtained leave to sit again.

The House then resolved itself into a committee of the whole, on the bill entitled "An act for the relief of William Coleman, Abiel West and Joseph Taylor;" on the bill entitled "An act for the more particularly defining the limits and boundaries of the town of Ballston in the county of Saratoga," and on the bill entitled "An act for the equal distribution of the Literature fund;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Van Valkenburgh, from the said committee, reported, that the committee had gone through the bill entitled "An act for the relief of William Coleman, Abiel West and Joseph Taylor," made sundry amendments thereto, and agreed to the same; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. Van Valkenburgh, from the same committee, reported, that the committee had gone through the bill entitled "An act for the more particularly defining the limits and boundaries of the town of Ballston in



the county of Saratoga," and agreed to the same without amendment; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. Van Valkenburgh, from the same committee, reported, that the committee had gone through the bill entitled "An act for the equal distribution of the Literature fund," and agreed to the same without amendment; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. Hammond, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to prevent the racing and trotting of horses on any of the several roads, streets or avenues in the city of New-York, and for other purposes;" and the bill entitled "An act to incorporate the Warwarsing and Rochester Turnpike Company," and found the same severally correctly engrossed.

*Ordered*, That the said bills do have their third reading.

On motion of Mr. D. Lee, by unanimous consent,

*Resolved*, That the bill entitled "An act to amend an act entitled 'An act to lay out a road from Newkirk's mills in the county of Fulton, to Piseco village in the county of Hamilton,' passed April 27, 1841," be taken from the general orders, and referred to the committee on roads and bridges, to report complete.

By unanimous consent,

Mr. Raymond, from the committee on the erection and division of towns and counties, to which was referred the engrossed bill from the Senate, entitled "An act to connect lots nine and ten in Virgil, Cortland county, to Cortlandville in said county," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill do have its third reading.

The report of the Secretary of State and Surveyor General, relative to a tract of land purchased from the Indians by William Smith junior, and others, in the year 1761, was received and read.

[See Document No. 202.]

*Ordered*, That the said report be referred to the committee on grievances.

A communication from the Attorney General was received and read, in the words following, to wit :

STATE OF NEW-YORK, }  
ATTORNEY GENERAL'S OFFICE. }

Albany, April 7, 1845.

HON. HORATIO SEYMOUR,  
*Speaker of the Assembly.*

SIR,

I have the honor to transmit herewith my report, in obedience to a resolution of the Assembly of March 18th, 1845.

Respectfully your obedient servant,

J. VAN BUREN.



## REPORT FROM THE ATTORNEY GENERAL.

STATE OF NEW-YORK, }  
*In Assembly, March 18, 1845.* }

*Resolved*, That it be referred to the Attorney General to report to this House, whether or not, in his opinion, an act authorising the New-York and Erie Railroad Company to construct any portion of their road in Pennsylvania requires a vote of two-thirds of the members elected to this House : Also in relation to the State lien upon the said road, for his report thereon.

By Order of the Assembly,  
 JAMES R. ROSE, *Clerk*.

In obedience to the above resolution, the Attorney General respectfully reports :

That he has been furnished with the proposed joint resolutions introduced into the Assembly by Mr. Morrison, on the twenty-fourth of February, 1845, and the act introduced by Mr. Van Valkenburgh on the eleventh of March, 1845 ; and he understands the foregoing resolution to require his opinion as to the constitutionality of the former, and as to the applicability of the ninth section of the seventh article of the Constitution of this State to the latter. The project of connecting the Hudson river with Lake Erie by means of a railroad, in whatever aspect it may be regarded, is of vast public importance, and it is most natural that it should have attracted to its support a large share of popular favor. The undersigned has examined the several measures submitted to him, designed as they no doubt are to facilitate the execution of this great enterprise, with a sincere desire to interpose no obstacle to its successful accomplishment ; and he respectfully submits to the Honorable the Assembly the results of this examination.

The original charter granted to the New-York and Erie Railroad Company was granted to them for the purpose of constructing a single, double or treble railway from the city of New-York to Lake Erie, commencing at the city of New-York, or at such point in its vicinity as should be most eligible and convenient therefor, and continuing said railroad *through the southern tier of counties*, by way of Owego in the county of Tioga, to the shore of Lake Erie, &c. (See Session Laws 1832, chap. 224, § 1.) By the sixth section of the charter, it was provided that the company should first construct, lay down and complete one line or track from the city of New-York, or from some point on the western shore of the Hudson river, *in the said southern tier of counties*, unto Lake Erie, and carry passengers or materials upon it, before building a second track. By the twelfth section, it was provided that the corporation should not, *at any point, connect the said railway or ways with any railroad either of the State of Pennsylvania or New-Jersey, or leading into either of said States, without the consent of the Legislature of this State*, on pain of forfeiting their charter. And by the seventeenth section, it was provided as follows : " It shall be lawful for the said corporation to unite with any other railroad com-

pany, already incorporated, *upon the route of said road through said southern tier of counties*, upon such terms as may be agreed upon by the directors of said companies, in making *a continuous railroad from New-York to Lake Erie, at all times, however, confining the route of said road to said southern tier of counties.*" A simple enumeration of these various provisions suffices to show that a primary object in granting this charter was to secure the erection of a continuous line of railroad through the southern tier of counties from the Hudson river to Lake Erie, and a glance at the map will disclose the large number of meritorious and sequestered counties interested in the prosecution of this work. The counties of Sullivan, Delaware, Otsego and Chenango were as deeply solicitous for the granting of this charter, and were entitled as confidently to expect great benefits from it, as any other counties in the southern tier. The several sections, therefore, which were intended to secure a continuous line of road through that tier of counties, and which only allowed a connection with other roads confined to the same tier, were not only a part, but a most essential and important part of the charter, and must have contributed much to its being granted.

The joint resolutions of Mr. Morrison are entitled "Joint Resolutions, authorising the New-York and Erie Railroad to change their route." They propose to authorise the road to be run into the State of Pennsylvania for sixteen miles, nearly parallel to the southern line of the county of Sullivan, and then to be continued along the border of said county till it passes the county limit. They further propose that the line of road shall leave this State opposite the counties of Delaware, Otsego and Chenango, and be continued for twenty-eight miles in the State of Pennsylvania; and this proposed to be done by a joint resolution of the two Houses, which is claimed to be a grant of the consent of the Legislature of the State that this road may connect with the railroads of Pennsylvania and New-Jersey, or roads leading into either of said States, as required in the twelfth section of the charter. In the opinion of the Attorney General, the twelfth section only applies to cases where the company desire to connect their road at any point in the established route with roads of Pennsylvania and New-Jersey, or roads leading into those States, without interrupting the continuous line of railroad through the southern tier of counties of this State; or, in other words, as it is most obvious that the intention of the Legislature was to secure to the city of New-York and other cities and villages in our own State, exclusively, the commercial advantages of this line of communication, they forbid the company to connect their road at any point even with roads leading into other States, without the consent of the Legislature. But it seems to the undersigned it never could have been intended that when such connection was formed, it should supersede and destroy the great leading object of the charter, to wit, the erection of a continuous line of railroad from the Hudson river to Lake Erie, the route of which should be confined to the southern tier of counties in this State. The consent given by the joint resolutions of Mr. Morrison, therefore, is not the consent mentioned in the twelfth section of the act.

The Attorney General appreciates the great learning of the written

opinions furnished to him, and the able arguments delivered on the floor of the House, which seek to establish the position that the consent required by the twelfth section may be given by concurrent resolution. But he is clearly of opinion that the joint resolutions submitted to him directly conflict with the main object of the charter, repeal the seventeenth section, and are such an alteration of a body corporate as can only be constitutionally effected through a law having the assent of two-thirds of the members elected to each branch of the Legislature.

The remaining inquiry, if the undersigned correctly understands the resolution of the House, is whether the bill introduced by Mr. Van Valkenburgh is subject to the restrictions of section 9, article 7, of the Constitution of this State. This section is in the following words : "The assent of two-thirds of the members elected to each branch of the Legislature shall be requisite to every bill appropriating the public monies or property for local or private purposes, or creating, continuing, altering or renewing any body politic or corporate." The language of the section, in regard to bodies politic or corporate, would seem intended to reach every possible modification of a charter that a corporation could seek at the hands of the Legislature. It should be construed in its plain and ordinary signification, such as would be most likely to be given to it by the great mass of those for whom it was framed and by whom it was adopted. The corporation called "The New-York and Erie Railroad Company," was created by the act of 1832, already referred to ; and if it be true as is contended, that none of the subsequent acts have altered the corporation, then the proper mode of testing this bill is to compare its provisions with those of that act. By a reference to sections 2, 3, 4, 5, 9 and 16 of the original charter, it will be seen when and within what time certain sections of the road were to be completed ; what amounts of money were to be expended thereon ; what was to be the amount of capital stock ; how and when subscribed, and when paid ; and what were the general powers and duties of the corporation. The bill now before the Assembly, and submitted to the undersigned, in its first four sections, essentially alters most of these provisions of the original charter. It authorises an additional subscription of three million dollars ; and on payment of twenty-five per cent of such subscription, empowers the company, by the issue of bonds, to mortgage the road to the extent of \$3,000,000, for the purpose of raising money to construct the road. It authorises these bonds to be issued by the company, and makes them liens on the road, prior to that of the State, and it gives the bondholders the same remedies against the road as is by law given to the mortgagees of real estate. It necessarily waives all the forfeitures that have occurred by the neglect to comply with the original requirements of the charter. The undersigned does not propose to examine minutely and to contrast the provisions of the two bills. If it is not obvious from a perusal of them that the last is a bill which alters the corporation created by the first, no reasoning of his could make it apparent. In the opinion of the Attorney General, the bill in question continues, alters and renews the New-York and Erie Railroad Corporation, and therefore requires the assent of two-thirds of the members elected to each branch of the Legislature to its passage.



It is probably true that precedents may be found for the passage of a bill similar to this by a majority of a quorum of both Houses. The members of the Legislature will, of course, give all the weight to these precedents which, in their opinion, they deserve. The undersigned does not feel at liberty, when called upon to construe the Constitution as it is, to be governed by precedent. The question of the constitutional power of Congress to charter a Bank of the United States was, previous to 1836, decided in favor of the power by several congressional acts, by the decision of the Supreme Court of the United States, and by the approval of chief magistrates, eminent for their learning, purity and patriotism; yet a subsequent President, equally distinguished, with the vigor and courage and devotion to popular rights that have illustrated his civil and military career, did not hesitate to avow his belief of the unconstitutionality of the measure, to refuse his sanction to an act of incorporation, and to appeal to the people for their judgment upon him and it. The result is believed to be, that at this day the Executive of the United States, a majority of both branches of the National Legislature, the Supreme Court of the United States, and a majority of the American people, agree in the opinion that the Constitution does not warrant the creation by Congress of a national bank. If precedent, therefore, in its most commanding shape, could alter a written constitution, this would seem to have been a case where it must prevail; and yet it will be observed that it could not offer even a serious obstacle to the determination of those living under the Constitution and by it, to prefer its simple terms to the glosses of interpretation or the invasions of precedent.

Those arraigned for a violation of the law never plead precedents in extenuation or excuse, although they occur every day; and it is certainly as important that one violation of the Constitution should not be urged as a warrant for another. Nor can we shelter ourselves from responsibility for our own conduct, by interposing the shield of past legislation, or invoking the weight of other authority, however pure, high-minded or patriotic these legislators or authors may have been. We are sworn to support the Constitution. With all the respect that the undersigned feels for the opinions of other and far abler men than himself; with all the delicacy that is inseparable from differing with them, his understanding of his oath and of his duty leaves him no discretion. Those whose servants we are, will hold the present living, acting generation, responsible for what is done, and will insist that the great charter of their rights shall be acted under as it is, and not as it has been held to be.

The bill before the House also proposes, in its fifth section, to release the claim of the State for the repayment of the \$3,000,000 loaned to the company in 1836, unless the State shall choose to purchase the road within a stated period of the company, and pay them all the monies expended by them for construction, repairs, permanent fixtures, and "otherwise for the purpose of said road," with seven per cent interest. At the close of the fifth section, it is provided that no such purchase by the State shall affect the lien of the bonds issued in pursuance of this act; and by previous sections, the lien of the State on the road is post-



poned to the lien of said bonds. The practical result of this bill, therefore, if the undersigned correctly understands it, is to authorise the company to raise three million dollars on a pledge of the road ; to postpone the State lien to such pledge ; to authorise the expenditure of the money raised upon the construction of the road, and then to release the State lien altogether, unless the State, after a single track is constructed from the Hudson river to Lake Erie, should choose to reimburse the company all the money expended on the road, and take the road subject to the three million mortgage authorised by this act. For instance, if the company have already expended four and a half million dollars, and should raise three million dollars more under this act, and expend it upon the road, the State would, at the time limited, pay the company seven and a half million dollars and interest, and take the road subject to a mortgage of three million dollars in the hands of the bondholders authorised by this act. This statement is made to render clear and intelligible the position which the Attorney General supposes may be safely assumed, to wit, that this bill contains a gift of three million of dollars to the New-York and Erie Railroad Company. Does the bill, then, in this view, require the assent of two-thirds of the members elect of each branch ? Is it an appropriation "of the public monies or property for local or private purposes ?" Those who contend that this is not an appropriation for local or private purposes, rely on the numerous acts of the Legislature authorising railroad companies to take the property of our citizens for the uses of their road, without the consent of the owner, and on making compensation. The courts of our State have declared these laws to be constitutional ; and, in doing so, have discussed the true meaning of the last clause of section 7, article 7 of our State Constitution, which is in these words, "nor shall private property be taken for public use without just compensation."

The question of the power of the Legislature to take the property of one citizen, and give it to others for the purpose of constructing a railroad, is believed to have first come before the courts of this State in 1831, in the case of *Beekman vs. the Saratoga and Schenectady Railroad Company*, reported in 3 Paige, 46. The Chancellor there decided as follows : "The *eminent domain*, the highest and most exact idea of "property, remains in the government, or in the aggregate body of the "people in their sovereign capacity ; and they have a right to resume "the possession of the property, in the manner directed by the constitution and laws of the State, whenever the public interest requires "it. This right of resumption may be exercised not only where the "safety, but also where the interests, or even the expediency of the "State is concerned ; or where the land is wanted for a road, canal, or "other public improvement. The only restriction upon this power, in "cases where the public or the inhabitants of any particular section of "the State have an interest in the contemplated improvement as citizens merely, is that the property shall not be taken for the public use "without just compensation to the owner, and in the mode prescribed "by law." He farther held that this right of *eminent domain* did not authorise the taking of the property of one man and giving it to another man, where compensation was made, unless the public interest would

be in some way promoted by the transfer. "But," he says, "if the *public interest can be in any way promoted by the taking of private property, it must rest in the wisdom of the legislature to determine whether the benefit to the public will be of sufficient importance to render it expedient for them to exercise the right of EMINENT DOMAIN*, and to authorise an interference with the private rights of individuals for that purpose;" and he cites 2 Kent's Com. 340. The Chancellor then proceeds to show that it is no objection to the exercise of this right that the powers it confers and the benefits resulting from it are delegated to an incorporated company, if the public have an interest in, and enjoyment of, the use of the property taken. He instances the taking of private property for highways, turnpike roads, canals, basins, ferries, etc. etc., and considers them all as resting on the same footing.

The only other case which it is necessary to refer to, is that of *Bloodgood vs. the Mohawk and Hudson Railroad Company*, decided in the Supreme Court, and reported in 14 Wend. 54. Bloodgood brought an action of trespass against the railroad company, for entering upon his land, digging up the soil, etc. The company justified under their charter, which authorised them to enter upon land, make surveys, and use such lands as should be necessary for the purposes of their railroad, provided that all lands entered upon, taken possession of and used by the company, should be purchased and paid for in the manner pointed out in the act of incorporation. The land of Bloodgood had been entered upon and used, but was not, at the time suit was commenced, purchased or paid for. The main question in the case was, whether the proviso was a condition subsequent or precedent to the entry upon the land in the manner complained of. The Supreme Court held that the purchase and payment was a condition subsequent to the entry, and gave judgment for defendant. The Court of Errors (18 Wendell, 9,) held that the purchase and payment was a condition precedent to the right of entry and occupation, and reversed the judgment of the Supreme Court. This was the point decided. But a resolution was introduced, and passed by a vote of 17 to 3, to the effect (see 18 Wend. 77,) that the Legislature have the constitutional power to authorise the taking of private property for the purpose of making railroads or other public improvements of the like nature, whether such improvements be made by the State itself or through the medium of a corporation or joint stock company, on making ample provision for a just compensation for the property taken, to the owners thereof. Several of the members of the Court reaffirmed the doctrine that the Legislature, in taking private property and giving it to a railroad company, exercised the right of *eminent domain*; and one of them, Mr. Senator Tracy, in a very able and ingenious opinion, suggests great doubt as to the legislative power to exercise this right in behalf of a private company. The Court concurred in the view taken by the Chancellor, that the constitutional provision restricted this inherent right, so far as to compel just compensation to be made where private property was taken. A reference to the authorities cited by Mr. Tracy (page 58,) will show what is meant by the right of *eminent domain*, or, as it is sometimes called, the *force of supereminent dominion*. In simple language, it is a *sovereign power*

to appropriate individual property to the necessities of the State. The degree and kind of necessity that calls for the exertion of the power, must, of course, be judged of by those who exert it. If such a power exists in this State, where is it lodged? In England it is vested in parliament, whose power and jurisdiction is described in 1 Black. Com. 160. "This being the place," he says, "where that absolute, despotic power, which must in all governments reside somewhere, is entrusted by the constitution of these kingdoms. All mischiefs and grievances, operations and remedies that transcend the ordinary course of the laws, are within the reach of this extraordinary tribunal." And after a graphic sketch of the power of parliament to regulate the succession to the crown, to alter and establish the religion of the land, to change the constitution and even itself, he concludes that "It can, in short, do every thing that is not naturally impossible, and therefore some have not scrupled to call its power by a figure rather too bold, the omnipotence of parliament. True it is, that what the parliament doth, no authority on earth can undo." To concede to such a body the right of *eminent domain*, would be no enlargement of their privileges. The Constitution of the United States (article 5 of the amendments) has the same provision as to taking private property for public use, and in the same words. If this is a restriction upon a pre-existing right of *eminent domain*, in what branch of the general government does the right rest? If the right exists, what is to prevent the legislature from taking the property of A and giving it to B? This is exactly what is done when land is taken from one citizen, and given to several others to construct a railroad upon.

It is true that the Legislature avow and act upon a belief that the public interest will be promoted by the change. The theory is to take the property of one individual and give it to several others, because they, in the judgment of the legislature, will apply it to more public uses. This would authorise the taking of the house of one, to make a hotel for another; the horses and wagon of one, to enable another to establish a line of public conveyances; the books of one, that another might keep a public library; the time-piece of one, that another might set it up for a town clock. In the case of *Varick vs. Smith*, 5 Paige, 159, the Chancellor suggests this safeguard to private rights: After saying that in England, perhaps, the omnipotence of parliament places their abuses of discretion beyond the reach of remedy, he adds, "But in a state which is governed by a written constitution, like ours, if the legislature should so far forget its duty and the natural rights of an individual as to take his private property and transfer it to another, where there was no foundation for a pretence that the public was to be benefited thereby, I should not hesitate to declare that such an abuse of the right of *eminent domain* was an infringement of the spirit of the Constitution, and therefore not within the general powers delegated by the people to the legislature. But while I deny to the legislative power the right thus to take private property for the mere purpose of transferring it to another, I admit that the two branches of the legislature, subject only to the qualified veto of the executive, are the sole judges as to the expediency of making police regulations interfering with the natural rights of our citizens, which regulations are not prohibited by the Constitution; and also



as to the expediency of exercising the right of *eminent domain* for the purpose of making public improvements, either for the benefit of the inhabitants of the State generally, or of any particular section thereof." The difficulty that occurs to the undersigned is, that if this tremendous power is confided to legislative discretion, their will stands for a reason when they act. Even if they were called on by the courts to show a "*foundation for a pretence*," that they transferred the property of A to B with a view to benefit the public, the simple fact that the legislature did the deed would furnish such pretence. The rights of private property would thus be undefined and uncertain, the power of the legislature arbitrary and despotic, their discretion and not the written constitution would determine the rights of the citizen, and the spirit and genius of our institutions would be sacrificed. The undersigned believes that the provision as to taking private property for public use was intended to confine the taking to cases where the government, or its subordinate agents, or others under their direction and charge, enjoyed the possession and use; but there have been frequent legislative and judicial acts extending the power further than this, and, in his judgment, it would have been less dangerous to have stretched the term "public use" so as to cover a private railroad, than to have asserted an inherent power in the legislature, so slightly limited and restrained by the Constitution, and which may reach so far beyond the case it is intended to meet.

But even if it were conceded that the term "public use" in the seventh section of the seventh article, properly includes the uses of a railroad company, it by no means follows that an appropriation or gift of public monies to such a company is not a gift "*for local or private purposes*," within the meaning of the ninth section of the same article. It is believed that no judicial decision can be found, declaring that such an appropriation would not require a vote of two-thirds of the members elect of each branch of the legislature. It will be borne in mind that if the constitutional power of the legislature to take private property for use of a railroad company is denied, a unanimous vote of the legislature would not aid those who seek to establish the right; and there may have been something in the supposed necessities of the case to induce a conviction that the power existed. And again, that where private property is thus taken, the corporation is created by a two-third vote. There is no analogy, therefore, in the necessity or extent of the two questions. If the restrictions of the ninth section do not apply to a grant of money to railroad corporations, then a bare majority of a quorum of the two houses, with the assent of the executive, may give away any amount of the public monies to these corporations; and if the executive refuse his sanction, two-thirds of the members present may still effect the donation.

The question, therefore, now presented, is of immense public concern, and calls for serious and anxious consideration. If the fact that the transactions of a company are shared in by the public, and are deemed advantageous to many, takes from it the character of "a local or private purpose," then banks, insurance companies, manufacturing, forwarding and transportation companies, are entitled to the advantages of this construction. The whole treasure of the State is at the mercy



of a majority of the members of the legislature, to be bestowed on these different companies, according to their discretion, or caprice, or judgment.

It will not be denied that the New-York and Erie railroad corporation is a private corporation. The opinion of Mr. Justice Story, in the case of the *Dartmouth College vs. Woodward*, 4 Wheaton, 468, 494, is conclusive on this point. "Strictly speaking," he says, "public corporations are such only as are founded by the government for public purposes; where the whole interests belong also to the government, such as towns, cities, counties; but a bank, whose stock is owned by private persons, is a private corporation, although it is erected by the government, and its objects and operations partake of a public nature. The same doctrine may be affirmed of insurance, bridge and turnpike companies."

The Civil Code of Louisiana, book 1, title 10, chapter 1, article 420, divides corporations into political and private, under which classification are ranged all corporations; and they are severally defined substantially as Judge Story defines them above.

This corporation, then, is clearly a private corporation. Are its purposes "local?"

A mere description of the route of the railroad would seem to show that it is, in the common acceptation of the term, a "local" work. But it is true that the Legislature have not acted on this strict signification of the term "local." The Erie and other canals, colleges and academies, if their mere location is to be regarded, might be deemed "local" in this view. The Legislature have chosen to connect with the fact of location, the idea of universal state benefit or direct government property; and where these were combined in behalf of a measure that was by position "local," they have not regarded the measure as coming within the prohibition of the Constitution. In these cases they have construed the term "local" to mean the reverse of "public."

The Attorney General would not be understood as insisting that laws thus passed by a majority vote are unconstitutional; but he is of opinion that it would be infinitely safer to apply the two-third restriction to those acts, which, from the universal favor with which they are regarded, could easily secure such an assent, than to make those cases precedents for holding a work like the Erie railroad to be other than "local."

Are the purposes of this company "private?" It has already been attempted to be shown that it is a private corporation. It is also composed of private persons. They have procured a charter for purposes of individual gain. It is true, a laudable object, and one which may accommodate a large portion of the public or whole people of the State, and even of the United States, is to be effected by the company. The same may be said of other incorporated companies heretofore alluded to. But does this differ from individual enterprises having the same or a similar design? There is nothing in the fact of their being associated or incorporated, that distinguishes them in this respect from other private citizens. All professional men, then, clergymen, physicians and lawyers, serve or claim to serve the public. Innkeepers, transporters of men and merchandize, merchants and traders, all profess the same

object, and no doubt many of them accomplish it. If their advertisements are to be relied on, their almost exclusive object is to benefit all others but themselves ; and yet it is notorious that at the bottom of all these efforts in behalf of the public, lies the great principle of self-interest and private gain ; and so long as their dealings are fair and honorable, no objection can be taken to the principle.

But the question presents itself, Can the Legislature, by a majority vote, appropriate the public monies in aid of these public accommodations, when the profit of them is received by private citizens ?

The undersigned is unable to perceive any distinction in principle between the several cases before enumerated, and the one now under consideration : all are private purposes, and yet all may serve the public use ; and he does not hesitate to say, that, in his opinion, the donation of \$3,000,000 proposed to be made by the bill submitted to him, is, within the meaning of the Constitution, an appropriation of public monies for private purposes, and cannot be made without the assent of two-thirds of the members elected to each branch of the Legislature.

The results, then, to which the Attorney General has arrived in regard to the several questions which he understands to have been submitted to him, are, that in his opinion,

1. The joint resolutions of Mr. Morrison do not give "the consent of the Legislature," mentioned in the twelfth section of the New-York and Erie railroad charter.

2. That the alterations of the route of the railroad in the manner proposed in the joint resolutions, can only be effected by a bill having the assent which the ninth section of the seventh article of the Constitution prescribes.

3. That the bill submitted to him, entitled "An act in relation to the construction of the New-York and Erie railroad," contains, in its first four sections, provisions which "continue," "alter," and "renew" the body corporate called "The New-York and Erie Railroad Company," and therefore requires the constitutional assent above mentioned.

4. That the bill makes a donation to the New-York and Erie Railroad Company of three million dollars, and therefore appropriates that amount of public monies "for local" and "private purposes," within the meaning of article seven, section 9, and requires for its passage the assent prescribed in that section.

The Attorney General has had less reluctance in declaring these convictions which have been forced upon his mind from a careful examination of the several questions submitted to him, from the fact that the work which this company have undertaken, has, as he has already stated, excited a large share of public interest and favor. The region of country through which it passes, and which is chiefly interested in its completion, is inhabited by industrious, enterprising and patriotic citizens, who have shared equally in the public burdens, but sparingly in its benefits. And it would seem to be impossible, if the friends of the road are willing to entrust its construction to a private company, and if this company have done nothing to forfeit the confidence of the people or of the Legislature, that the assent which the Constitution requires could not be obtained to any rational and just measures that will ensure

its completion. So noble an undertaking should not be stained by violations of the Constitution : so important a work should not be prosecuted under laws of even doubtful constitutionality ; and least of all should it be made a pioneer in encroachments on and invasions of the sacred charter of popular rights, when in its rear may and will follow many less meritorious projects.

All which is respectfully submitted,

J. VAN BUREN.

[*See Document No. 204.*]

On motion of Mr. Chase,

*Ordered*, That the said report be referred to the select committee having charge of the bill relative to the New-York and Erie railroad.

*Ordered*, That Mr. Frisbee have leave of absence for three days, Mr. J. Stevenson for three days, Mr. Van Valkenburgh for four days, Mr. E. Crosby for seven days, Mr. Tefft for seven days, Mr. Mersereau for seven days, and Mr. Jarvis for ten days.

By unanimous consent,

Mr. Bloss, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to amend an act to incorporate the New-York Institution for the Blind," with the amendments of the Senate thereto, reported, and recommended that the House do concur in the said amendments.

*Ordered*, That the said bill and amendments be laid on the table.

The House then resolved itself into a committee of the whole, on the bill entitled "An act to amend an act to provide for building bridges over Oak-orchard and Marsh creeks, at or near the junction of said creeks in the town of Carlton in the county of Orleans, passed March 21st, 1844 ;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. J. Young, from the said committee, reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same ; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

On motion of Mr. M. Brooks,

The House then adjourned to ten o'clock to-morrow morning.

## TUESDAY, APRIL 8, 1845.

The House met pursuant to adjournment.

The minutes of yesterday were read and approved.

The petition of J. Horsely Palmer, an alien, praying for permission to hold real estate, was read, and referred to the committee on the petitions of aliens.

The petition of sundry inhabitants of the county of Onondaga, praying for the renewal of the charter of the Syracuse and Binghamton Railroad Company, was read, and referred to the committee on railroads.

The remonstrance of sundry inhabitants of the village of Syracuse in the county of Onondaga, against the passage of a law authorising the borrowing of money to build a town-house and market in said village, was read, and referred to the committee on the internal affairs of towns and counties.

The petition of sundry inhabitants of the county of Ontario, praying for the passage of an act authorising the holding of a special term of the Supreme Court at the village of Geneva in said county, was read, and referred to the committee on the judiciary.

The petition of the First Presbyterian Society of the town of Dansville in the county of Steuben, praying for the passage of a law allowing said society to sell their lands, etc., was read, and referred to the committee on charitable and religious societies.

The petition of six hundred merchants of the city of New-York, praying for a reduction of the tolls on the canals west of Syracuse, was read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of two hundred and forty-six inhabitants of the counties of Oswego and Oneida, against any discrimination in the tolls on the canals of this State, was read, and referred to the committee of the whole when on the bill upon that subject.

Four several petitions of sundry inhabitants of the counties of Ontario and Steuben, praying for the incorporation of a company to construct a railroad from Canandaigua to Corning, were read, and referred to the committee of the whole when on the bill upon that subject.

Four several remonstrances of sundry inhabitants of the county of Otsego, against running any portion of the New-York and Erie railroad into the State of Pennsylvania, were read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of sundry inhabitants of the county of Schenectady, against the erection of a bridge across the Hudson river at the city of Albany, was read, and referred to the committee of the whole when on the bill upon that subject.

Four several remonstrances of sundry inhabitants of the counties of Allegany, Tompkins and Otsego, against the repeal of the act authorising the appointment of county superintendents of common schools, were read, and referred to the committee of the whole when on the bill upon that subject.



Two several petitions of sundry inhabitants of the county of Cattaraugus, praying for the passage of a law to locate certain portions of the New-York and Erie railroad in the State of Pennsylvania, were read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Montgomery, praying for the passage of a law requiring banks to redeem their notes at par in the cities of New-York and Albany, was read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of sundry inhabitants of the county of Rensselaer, against the incorporation of the American and Foreign Bible Society, was read, and ordered to be laid on the table.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the petition of sundry inhabitants of the town of Gouverneur in the county of St. Lawrence, for the passage of an act to authorise the levying of a tax upon said town, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Chase accordingly brought in the said bill, entitled "An act to provide for the erection of a town-house in the town of Gouverneur in the county of St. Lawrence;" which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. Hazelton,

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the petition of sundry inhabitants of the county of Onondaga, for the opening of the channel of Mud creek, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Chase accordingly brought in the said bill, entitled "An act for opening the channel of Mud creek in the county of Onondaga;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the petition of sundry inhabitants of the county of Wayne, for the passage of an act to restore the distinction between town and county poor in said county, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Chase accordingly brought in the said bill, entitled "An act in relation to the support of the poor in the county of Wayne;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the petition of sundry inhabitants of the county of Onondaga, for the passage of an act to prevent the catching of fish by means of nets in the Nine-mile creek in said county, reported unfavorably to the prayer of the petitioners, and offered the following resolution, to wit :

*Resolved*, That the committee on the internal affairs of towns and

counties be discharged from the further consideration of the petition for the passage of an act to prevent fishing with nets in the Nine-mile creek in the county of Onondaga.

On motion of Mr. Preston,

*Ordered*, That the said resolution be laid on the table.

The House then proceeded to the consideration of the bill from the Senate, entitled "An act to enforce the laws and preserve order."

On motion of Mr. T. R. Lee,

*Ordered*, That the said bill do have its third reading.

Mr. White, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to amend the act entitled 'An act to incorporate the village of Bath in the county of Steuben,'" with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Dickson, from the committee on the petitions of aliens, to which was referred the bill from the Senate, entitled "An act to enable Charles De la Forest to hold and convey real estate," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. White, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to incorporate the village of Canton," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. M'Donald, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to amend the act entitled 'An act to incorporate the village of Geddes,'" with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Bagg, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to amend an act entitled 'An act to incorporate the Mutual Insurance Company of Buffalo,'" and the bill entitled "An act to amend an act entitled 'An act to provide for the construction of a railroad from Auburn to Rochester,' passed May 13th, 1835," and found the same severally correctly engrossed.

*Ordered*, That the said bills do have their third reading.

Mr. Tuthill, from the committee on roads and bridges, to which was

referred the petition for the incorporation of a bridge company at Port Ontario, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Tuthill accordingly brought in the said bill, entitled "An act to incorporate the Port Ontario Bridge Company;" which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. Skelton,

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Tuthill, from the committee on roads and bridges, to which was referred the bill entitled "An act in relation to the ferry at Blackrock," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Titus, from the committee on trade and manufactures, to which was referred the bill entitled "An act to incorporate the Brooklyn Quay Company," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the bill entitled "An act for the publication of the session laws in two newspapers in each county of this State," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

By unanimous consent,

Mr. Dickson moved that the bill entitled "An act in relation to the support of the poor in the county of Wayne," be taken from the general orders, and ordered to be engrossed for a third reading.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Dickson, and it was determined in the affirmative.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act amendatory of the act in relation to the election and terms of office of town assessors and commissioners of highways," with instructions to report the same complete, reported, that the committee had examined the said bill, and made sundry amendments thereto, and saw no reason why the said amended bill should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. G. Goold, from the committee on charitable and religious societies, to which was referred the petition of Cornelius Heeny of the city

of Brooklyn, for the passage of an act to incorporate the Brooklyn Benevolent Society, reported favorably to the prayer of the petitioner, and asked leave to bring in a bill.

Leave being granted, Mr. G. Goold accordingly brought in the said bill, entitled "An act to incorporate the trustees and associates of the Brooklyn Benevolent Society," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Constant, from the select committee on the petition for an alteration of the law of landlord and tenant, to which was referred the petitions of numerous tenants in the counties of Niagara, Oneida, Fulton, Montgomery, Otsego, Schoharie, Schenectady, Delaware, Greene, Ulster, Sullivan, Dutchess, Columbia, Albany and Rensselaer, praying for relief, reported in writing, and concluded by offering the following resolution, to wit :

*Resolved*, That the committee be discharged from the further consideration of the subject.

[See Document No. 222.]

Debates were had thereon ; when, the hour of twelve at noon having arrived,

The House again resolved itself into a committee of the whole, on the amendments to the Constitution ; and after some time spent thereon, Mr. Speaker resumed the chair, and announced a message from the Governor.

A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
Albany, April 7, 1845. }

TO THE ASSEMBLY.

I have this day approved and signed the bill entitled "An act to authorise and require the trustees of joint school district number fourteen of Clay and Cicero to levy and collect a tax for the relief of Hiram M. Wright and Joseph Rector."

SILAS WRIGHT.

Mr. Hammond, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to enable the trustees of school district number nine in the towns of Pembroke, Batavia, Alexander and Darien in the county of Genesee, to obtain a site for a school-house ;" the bill entitled "An act concerning the district attorney of the county of Niagara ;" the bill entitled "An act to amend an act entitled 'An act to incorporate the New-York Institution for the Blind,' passed April 21st, 1821 ;" the bill entitled "An act further to extend the act incorporating the Ancient Britons' Benefit Society of the village, now city of Utica ;" the bill entitled "An act to incorporate the Community of True Inspiration in the county of Erie ;" and the bill entitled "An act to authorise the Methodist Episcopal Church of Sullivan



circuit to sell and convey real estate, and for other purposes," and found the same severally correctly engrossed.

*Ordered*, That the said bills do have their third reading.

The hour of half past one o'clock having arrived,  
The House took a recess until half past three o'clock this afternoon.

### HALF PAST THREE O'CLOCK, P. M.

The House again met.

By unanimous consent,

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the engrossed bill from the Senate, entitled "An act requiring certain commissioners under an act of May 26th, 1841, and the acts amendatory thereto, to drain certain lands in the county of Jefferson, to render an account," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

On motion of Mr. Danforth,

*Ordered*, That the said bill do have its third reading.

By unanimous consent,

Mr. Walrath offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill entitled "An act to amend an act entitled 'An act authorising the loan of certain monies belonging to the United States, deposited with the State of New-York for safe keeping,' passed April 4th, 1837," be taken from the general orders, and recommitted to the committee on colleges, academies and common schools.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

By unanimous consent,

Mr. Kinne offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill entitled "An act to amend the act entitled 'An act to construct a plank road from the village of Salina to Central-square in the county of Oswego,' passed April 12, 1844," be engrossed for a third reading.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

The House, in committee of the whole, resumed the consideration of the amendments to the Constitution ; and after some time spent thereon, Mr. Speaker resumed the chair, and announced that the hour of four o'clock had arrived.

Whereupon, in pursuance of a special order,

The House resolved itself into a committee of the whole, on the bill entitled "An act to provide for the removal of cases decided by the Canal Board, to the Supreme Court, by certiorari ;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Hine, from

the said committee, reported progress, and asked for and obtained leave to sit again.

By unanimous consent,

Mr. Edwards offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill entitled "An act to reduce the toll of the Union Bridge Company in certain cases," be taken from the general orders, and referred to the committee on roads and bridges which reported the same, with instructions to reconsider and report the said bill complete.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to confirm the sale of real estate made by the trustees of the First Baptist Church and Society in the town of Franklin in the county of Delaware, and for the relief of said society ;" the bill entitled "An act to amend the act entitled 'An act to incorporate the village of Geddes ;'" and the bill entitled "An act authorising the president, directors and company of the western branch of the Schoharie Turnpike Company to remove their toll-gate on said road in the town of Cobleskill," and found the same severally correctly engrossed.

*Ordered*, That the said bills do have their third reading.

On motion of Mr. Constant,

The House then adjourned to ten o'clock to-morrow morning.

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## WEDNESDAY, APRIL 9, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Wilkins.

The minutes of yesterday were read and approved.

The petition of sundry inhabitants of the county of Lewis, praying for the construction of the Black River canal, was read, and referred to the committee on canals.

The petition of sundry inhabitants of the county of Oneida, praying for the passage of a law submitting the question of license to the people, was read, and ordered to be laid on the table.

The petition of sundry inhabitants of the towns of Saratoga and Stillwater in the county of Saratoga, praying for the passage of a law to establish the boundary line between said towns, was read, and referred to the committee on the internal affairs of towns and counties.

Two several petitions of sundry inhabitants of the county of Steuben, praying for the incorporation of a company to construct a railroad from Canandaigua to Corning, were read, and referred to the committee of the whole when on the bill upon that subject.

Two several remonstrances of sundry inhabitants of the counties of Tompkins and Dutchess, against abolishing the office of county superintendent of common schools, were read, and referred to the committee of the whole when on the bill upon that subject.

Three several remonstrances of sundry inhabitants of the county of Otsego, against running any portion of the New-York and Erie railroad into the State of Pennsylvania, were read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of sundry inhabitants of the village of Schuylerville in the county of Saratoga, against the incorporation of the American and Foreign Bible Society, was read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Steuben, praying for a discrimination of tolls on the canals in this State, was read, and referred to the committee of the whole when on the bill upon that subject.

The twenty-second annual report of the managers of the Troy Savings Bank was received, read, and ordered to be printed and laid upon the table.

[See Document No. 213.]

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the bill entitled "An act to appoint a police justice in the village of Kingston, Ulster county," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

On motion of Mr. Hine,

*Ordered*, That the said bill be engrossed for a third reading.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the petition for the passage of an act relative to documentary evidence, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. T. R. Lee accordingly brought in the said bill, entitled "An act to amend the Revised Statutes, in reference to documentary evidence;" which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. T. R. Lee,

*Ordered*, That the said bill be engrossed for a third reading.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to the Chenango bridge," reported in writing, and concluded by offering the following resolution:

*Resolved*, That the bill entitled "An act in relation to the Chenango bridge," together with the report of the committee on the judiciary thereon, be referred to the Attorney General.

[See Document No. 229.]

Mr. Wheeler moved to recommit the said bill to the committee on the judiciary.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Wheeler, and it was determined in the affirmative.

Mr. Newkirk, from the committee on claims, to which was referred the petition of Hubbard Burdick, for relief, reported favorably to the prayer of the petitioner, and asked leave to bring in a bill.

Leave being granted, Mr. Newkirk accordingly brought in the said bill, entitled "An act for the relief of Hubbard Burdick;" which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. Newkirk,

*Ordered*, That the said bill be referred to the same committee of the whole having charge of the bill to change the name of Edwin Lucian Cady.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act for the relief of Hezekiah Sage, John I. Walrath and Albert T. Dunham;" the bill entitled "An act to amend an act entitled 'An act to confirm the title to certain lands conveyed to Richard Richardson, an alien,' passed April 18th, 1843;" the bill entitled "An act to amend the charter of the village of Cazenovia," and the bill entitled "An act to incorporate the Unadilla and Norwich Turnpike Company," and found the same severally correctly engrossed.

*Ordered*, That the said bills do have their third reading.

Mr. J. Brooks, from the committee on the erection and division of towns and counties, to which was referred the engrossed bill from the Senate, entitled "An act to erect the town of Gilboa," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

On motion of Mr. Boughton,

*Ordered*, That the said bill be laid on the table.

Mr. Tuthill, from the committee on roads and bridges, to which was referred the bill entitled "An act to amend an act entitled 'An act to lay out a road from Newkirk's mills in the county of Fulton, to Piseco village in the county of Hamilton,' passed April 27th, 1841," with instructions to report the same complete, reported, that the committee had examined the said bill, and made sundry amendments thereto, and saw no reason why the said amended bill should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. L. H. Brown, from the committee on colleges, academies and common schools, to which was referred the bill entitled "An act to amend an act entitled 'An act authorising a loan of certain monies belonging to the United States, deposited with the State of New-York for safe keeping,' passed April 4th, 1837," with instructions to report the same complete, reported, that the committee had examined the said bill, and made sundry amendments thereto, and saw no reason why the said amended bill should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.



By unanimous consent,

Mr. Hannum, from the select committee to which was referred the bill entitled "An act to authorise the levying of a tax in the town of Bethany," with instructions to report the same complete, reported, that the committee had examined the said bill, and made sundry amendments thereto, and saw no reason why the said amended bill should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Strobridge, from the committee on claims, to which was referred the engrossed bill from the Senate, entitled "An act for the relief of Richard Perkins, William M. Smith and Joseph U. Blood," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

On motion of Mr. Skelton,

*Ordered*, That the said bill do have its third reading.

The engrossed bill entitled "An act amendatory of the act in relation to the election and terms of office of town assessors and commissioners of highways," was read the third time.

On motion of Mr. Hine,

*Ordered*, That the question on the final passage of the said bill be laid upon the table.

The engrossed bill entitled "An act to erect the town of Ossinning in the county of Westchester," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill entitled "An act concerning the district attorney in the county of Ulster," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill entitled "An act to authorise a tax to be levied in the town of Potsdam, to build a town-house," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bills to the Senate, and request their concurrence in the same.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to lay out a road from the village of Littlefalls to the town of Warren," and found the same correctly engrossed.

*Ordered*, That the said bill do have its third reading.

The engrossed bill entitled "An act for the more effectual improvement of public highways," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to incorporate the Community of True Inspiration in the county of Erie," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 86 }  
 { NAYS 08 }

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Giffard      | Mr. Pierce          |
| Mr. Bagg         | Mr. D. Gould     | Mr. Porter          |
| Mr. Bailey       | Mr. G. Goold     | Mr. Preston         |
| Mr. Barber       | Mr. Hall         | Mr. Raymond         |
| Mr. Betts        | Mr. Hammond      | Mr. Rice            |
| Mr. Bevens       | Mr. Hannum       | Mr. Rogers          |
| Mr. Bloss        | Mr. Harris       | Mr. Sager           |
| Mr. Boughton     | Mr. Heermans     | Mr. Salisbury       |
| Mr. Bowen        | Mr. Hervey       | Mr. Sherman         |
| Mr. J. Brooks    | Mr. Hine         | Mr. Skelton         |
| Mr. M. Brooks    | Mr. Howard       | Mr. W. Smith        |
| Mr. L. H. Brown  | Mr. Huntington   | Mr. Speaker         |
| Mr. S. A. Brown  | Mr. Johnson      | Mr. Spring          |
| Mr. Bunker       | Mr. Jones        | Mr. J. Stevenson    |
| Mr. Burdick      | Mr. Kinne        | Mr. Strobbridge     |
| Mr. Casner       | Mr. Knapp        | Mr. Sweeney         |
| Mr. Chase        | Mr. D. Lee       | Mr. Thayer          |
| Mr. Coe          | Mr. Long         | Mr. Tibbits         |
| Mr. Collins      | Mr. M'Carthy     | Mr. Tuthill         |
| Mr. Comstock     | Mr. M'Donald     | Mr. Van Schoonhoven |
| Mr. Constant     | Mr. M'Key        | Mr. Van Valkenburgh |
| Mr. C. F. Crosby | Mr. M'Vean       | Mr. Walrath         |
| Mr. Danforth     | Mr. Mann         | Mr. Wells           |
| Mr. Dickson      | Mr. C. B. Miller | Mr. Wheeler         |
| Mr. Edwards      | Mr. S. Miller    | Mr. Wilcox          |
| Mr. Fellows      | Mr. Moulton      | Mr. Wyckoff         |
| Mr. Field        | Mr. Newkirk      | Mr. A. W. Young     |
| Mr. Fonda        | Mr. Niven        | Mr. J. Young        |
| Mr. Garretson    | Mr. Oakley       |                     |

86

Those who voted in the negative are

|               |                 |             |
|---------------|-----------------|-------------|
| Mr. Carpenter | Mr. T. R. Lee   | Mr. Titus   |
| Mr. Gregory   | Mr. Searing     | Mr. Whitney |
| Mr. Hazelton  | Mr. A. C. Smith |             |

8

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to authorise the Methodist Episcopal Church of Sullivan circuit to sell and convey real estate, and for other purposes," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 91 }  
 { NAYS 00 }

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. G. Goold     | Mr. Pierce          |
| Mr. Bagg         | Mr. Gregory      | Mr. Porter          |
| Mr. Bailey       | Mr. Hall         | Mr. Preston         |
| Mr. Barber       | Mr. Hammond      | Mr. Raymond         |
| Mr. Betts        | Mr. Hannum       | Mr. Rice            |
| Mr. Bevens       | Mr. Harris       | Mr. Rogers          |
| Mr. Bloss        | Mr. Hazelton     | Mr. Sager           |
| Mr. Boughton     | Mr. Heermans     | Mr. Salisbury       |
| Mr. Bowen        | Mr. Hervey       | Mr. Searing         |
| Mr. J. Brooks    | Mr. Hine         | Mr. Sherman         |
| Mr. M. Brooks    | Mr. Howard       | Mr. Skelton         |
| Mr. L. H. Brown  | Mr. Huntington   | Mr. A. C. Smith     |
| Mr. S. A. Brown  | Mr. Johnson      | Mr. W. Smith        |
| Mr. Bunker       | Mr. Joxes        | Mr. Speaker         |
| Mr. Burdick      | Mr. Kinne        | Mr. Spring          |
| Mr. Carpenter    | Mr. Knapp        | Mr. Strobbridge     |
| Mr. Casner       | Mr. D. Lee       | Mr. Sweeney         |
| Mr. Chase        | Mr. T. R. Lee    | Mr. Thayer          |
| Mr. Coe          | Mr. Long         | Mr. Titus           |
| Mr. Comstock     | Mr. M'Donald     | Mr. Tnithill        |
| Mr. Constant     | Mr. M'Key        | Mr. Van Schoonhoven |
| Mr. C. F. Crosby | Mr. M'Vean       | Mr. Van Valkenburgh |
| Mr. Danforth     | Mr. Mann         | Mr. Walrath         |
| Mr. Dickson      | Mr. C. B. Miller | Mr. Wells           |
| Mr. Edwards      | Mr. S. Miller    | Mr. Wheeler         |
| Mr. Fellows      | Mr. Moulton      | Mr. Waitney         |
| Mr. Field        | Mr. Newkirk      | Mr. Worden          |
| Mr. Fonda        | Mr. Niven        | Mr. Wyckoff         |
| Mr. Garretson    | Mr. Oakley       | Mr. A. W. Young     |
| Mr. Giffard      | Mr. Pardee       | Mr. J. Young        |
| Mr. D. Gould     |                  |                     |

91

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act concerning the Congregational Society of the town of Spencer," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 94 }  
 { NAYS 00 }

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Hall         | Mr. Porter          |
| Mr. Bagg         | Mr. Hammond      | Mr. Preston         |
| Mr. Barber       | Mr. Hannum       | Mr. Raymond         |
| Mr. Betts        | Mr. Harden       | Mr. Rice            |
| Mr. Bevens       | Mr. Harris       | Mr. Rogers          |
| Mr. Bloss        | Mr. Hazelton     | Mr. Russell         |
| Mr. Broughton    | Mr. Heermans     | Mr. Sager           |
| Mr. Bowen        | Mr. Hervey       | Mr. Salisbury       |
| Mr. J. Brooks    | Mr. Hine         | Mr. Searing         |
| Mr. M. Brooks    | Mr. Howard       | Mr. Sears           |
| Mr. L. H. Brown  | Mr. Huntington   | Mr. Sherman         |
| Mr. S. A. Brown  | Mr. Johnson      | Mr. Skelton         |
| Mr. Bunker       | Mr. Jones        | Mr. A. C. Smith     |
| Mr. Burdick      | Mr. Kinne        | Mr. W. Smith        |
| Mr. Carpenter    | Mr. Knapp        | Mr. Speaker         |
| Mr. Chase        | Mr. D. Lee       | Mr. Spring          |
| Mr. Coe          | Mr. T. R. Lee    | Mr. Strobbridge     |
| Mr. Collins      | Mr. Long         | Mr. Sweeney         |
| Mr. Comstock     | Mr. M'Carthy     | Mr. Titus           |
| Mr. Constant     | Mr. M'Donald     | Mr. Tuthill         |
| Mr. C. F. Crosoy | Mr. M'Key        | Mr. Van Schoonhoven |
| Mr. Danforth     | Mr. M'Vean       | Mr. Van Valkenburgh |
| Mr. Dickson      | Mr. Mann         | Mr. Walrath         |
| Mr. Edwards      | Mr. C. B. Miller | Mr. Wells           |
| Mr. Fellows      | Mr. S. Miller    | Mr. Wheeler         |
| Mr. Field        | Mr. Moulton      | Mr. White           |
| Mr. Fonda        | Mr. Newkirk      | Mr. Whitney         |
| Mr. Garretson    | Mr. Niven        | Mr. Worden          |
| Mr. Giffard      | Mr. Oakley       | Mr. Wyckoff         |
| Mr. D. Gould     | Mr. Pardee       | Mr. A. W. Young     |
| Mr. G. Goold     | Mr. Pierce       | Mr. J. Young        |
| Mr. Gregory      |                  |                     |

94

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act further to extend the act incorporating the Ancient Britons' Benefit Society of the village, now city of Utica," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 95 }  
{ NAYS 00 }



Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Hall         | Mr. Rice            |
| Mr. Bagg         | Mr. Hammond      | Mr. Rogers          |
| Mr. Barber       | Mr. Hannum       | Mr. Russell         |
| Mr. Betts        | Mr. Harden       | Mr. Sager           |
| Mr. Bevens       | Mr. Harris       | Mr. Salisbury       |
| Mr. Bloss        | Mr. Hazelton     | Mr. Searing         |
| Mr. Boughton     | Mr. Heermans     | Mr. Sears           |
| Mr. Bowen        | Mr. Hervey       | Mr. Sherman         |
| Mr. J. Brooks    | Mr. Hine         | Mr. Skelton         |
| Mr. M. Brooks    | Mr. Howard       | Mr. A. C. Smith     |
| Mr. L. H. Brown  | Mr. Huntington   | Mr. W. Smith        |
| Mr. S. A. Brown  | Mr. Johnson      | Mr. Speaker         |
| Mr. Bunker       | Mr. Kinne        | Mr. Spring          |
| Mr. Burdick      | Mr. Knapp        | Mr. J. Stevenson    |
| Mr. Casner       | Mr. D. Lee       | Mr. Strobridge      |
| Mr. Chase        | Mr. T. R. Lee    | Mr. Sweeney         |
| Mr. Coc          | Mr. M'Carthy     | Mr. Thayer          |
| Mr. Collins      | Mr. M'Donald     | Mr. Titus           |
| Mr. Comstock     | Mr. M'Key        | Mr. Tuthill         |
| Mr. Constant     | Mr. M'Vean       | Mr. Van Schoonhoven |
| Mr. C. F. Crosby | Mr. Mann         | Mr. Van Valkenburgh |
| Mr. Danforth     | Mr. C. B. Miller | Mr. Walrath         |
| Mr. Dickson      | Mr. S. Miller    | Mr. Wells           |
| Mr. Edwards      | Mr. Moulton      | Mr. Wheeler         |
| Mr. Fellows      | Mr. Newkirk      | Mr. White           |
| Mr. Field        | Mr. Niven        | Mr. Whitney         |
| Mr. Fonda        | Mr. Oakley       | Mr. Wilcox          |
| Mr. Garretson    | Mr. Pardee       | Mr. Worden          |
| Mr. Giffard      | Mr. Pierce       | Mr. Wyckoff         |
| Mr. D. Gould     | Mr. Porter       | Mr. A. W. Young     |
| Mr. G. Goold     | Mr. Preston      | Mr. J. Young        |
| Mr. Gregory      | Mr. Raymond      |                     |

95

*Ordered,* That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to amend an act entitled 'An act to incorporate the New-York Institution for the Blind,' passed April 21st, 1831," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|        |      |
|--------|------|
| { AYES | 95 } |
| { NAYS | 00 } |

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. G. Goold     | Mr. Raymond         |
| Mr. Bagg         | Mr. Hall         | Mr. Rice            |
| Mr. Bailey       | Mr. Hammond      | Mr. Rogers          |
| Mr. Barber       | Mr. Hannum       | Mr. Russell         |
| Mr. Betts        | Mr. Harden       | Mr. Sager           |
| Mr. Bevens       | Mr. Harris       | Mr. Salisbury       |
| Mr. Bloss        | Mr. Hazelton     | Mr. Sears           |
| Mr. Boughton     | Mr. Heermans     | Mr. Sherman         |
| Mr. Bowen        | Mr. Hervey       | Mr. Skelton         |
| Mr. J. Brooks    | Mr. Hine         | Mr. A. C. Smith     |
| Mr. M. Brooks    | Mr. Howard       | Mr. W. Smith        |
| Mr. L. H. Brown  | Mr. Jones        | Mr. Speaker         |
| Mr. S. A. Brown  | Mr. Kinne        | Mr. Spring          |
| Mr. Bunker       | Mr. Knapp        | Mr. J. Stevenson    |
| Mr. Burdick      | Mr. D. Lee       | Mr. Strobbridge     |
| Mr. Casner       | Mr. T. R. Lee    | Mr. Sweeney         |
| Mr. Chase        | Mr. Long         | Mr. Thayer          |
| Mr. Coe          | Mr. M'Carthy     | Mr. Titus           |
| Mr. Collins      | Mr. M'Donald     | Mr. Tuthill         |
| Mr. Comstock     | Mr. M'Key        | Mr. Van Schoonhoven |
| Mr. Constant     | Mr. M'Vean       | Mr. Van Valkenburgh |
| Mr. Crain        | Mr. Mann         | Mr. Walrath         |
| Mr. C. F. Crosby | Mr. C. B. Miller | Mr. Wells           |
| Mr. Danforth     | Mr. S. Miller    | Mr. Wheeler         |
| Mr. Dickson      | Mr. Moulton      | Mr. White           |
| Mr. Edwards      | Mr. Newkirk      | Mr. Whitney         |
| Mr. Fellows      | Mr. Niven        | Mr. Wilcox          |
| Mr. Field        | Mr. Oakley       | Mr. Worden          |
| Mr. Fonda        | Mr. Pardee       | Mr. Wyckoff         |
| Mr. Garretson    | Mr. Pierce       | Mr. A. W. Young     |
| Mr. Giffard      | Mr. Porter       | Mr. J. Young        |
| Mr. D. Gould     | Mr. Preston      |                     |

95

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to prevent the racing and trotting of horses on the Albany and Troy macadamized road, and for other purposes," was read the third time.

Debates were had thereon; when

Mr. Kinne called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Whereupon,

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.

} AYES 49 }  
 } NAYS 42 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |              |                     |
|-----------------|--------------|---------------------|
| Mr. Bachman     | Mr. Fonda    | Mr. Pierce          |
| Mr. Bagg        | Mr. D. Gould | Mr. Porter          |
| Mr. Bailey      | Mr. G. Goold | Mr. Preston         |
| Mr. Barber      | Mr. Gregory  | Mr. Raymond         |
| Mr. Bevens      | Mr. Hammond  | Mr. Russell         |
| Mr. M. Brooks   | Mr. Harden   | Mr. Searing         |
| Mr. Brower      | Mr. Hazelton | Mr. Sherman         |
| Mr. L. H. Brown | Mr. Jones    | Mr. Skelton         |
| Mr. Bunker      | Mr. Knapp    | Mr. Sweeney         |
| Mr. Carpenter   | Mr. Long     | Mr. Tuthill         |
| Mr. Casner      | Mr. M'Carthy | Mr. Van Schoonhoven |
| Mr. Chase       | Mr. M'Donald | Mr. Walrath         |
| Mr. Collins     | Mr. Mann     | Mr. Wells           |
| Mr. Constant    | Mr. Moulton  | Mr. Whitney         |
| Mr. Crain       | Mr. Newkirk  | Mr. Wilcox          |
| Mr. Edwards     | Mr. Pardee   | Mr. J. Young        |
| Mr. Fellows     |              |                     |

49

Those who voted in the negative are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Betts       | Mr. Harris     | Mr. Salisbury       |
| Mr. Bloss       | Mr. Hervey     | Mr. Sears           |
| Mr. Bowen       | Mr. Howard     | Mr. A. C. Smith     |
| Mr. J. Brooks   | Mr. Huntington | Mr. W. Smith        |
| Mr. S. A. Brown | Mr. Johnson    | Mr. Speaker         |
| Mr. Burdick     | Mr. Kinne      | Mr. Spring          |
| Mr. Coe         | Mr. T. R. Lee  | Mr. J. Stevenson    |
| Mr. Danforth    | Mr. M'Key      | Mr. Strobbridge     |
| Mr. Dickson     | Mr. M'Vean     | Mr. Thayer          |
| Mr. Field       | Mr. S. Miller  | Mr. Titus           |
| Mr. Garretson   | Mr. Niven      | Mr. Van Valkenburgh |
| Mr. Giffard     | Mr. Oakley     | Mr. Wheeler         |
| Mr. Hall        | Mr. Rice       | Mr. White           |
| Mr. Hannum      | Mr. Sager      | Mr. A. W. Young     |

42

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The hour of twelve o'clock at noon having arrived, the Chair announced the special order of the House, being the consideration of the amendments to the Constitution.

On motion of Mr. Niven,

*Ordered*, That the said special order be postponed until half past three o'clock this afternoon.

The engrossed bill entitled "An act to amend an act entitled 'An act to provide for the construction of a railroad from Skaneateles to the Auburn and Syracuse railroad,' passed May 19, 1836, and the several acts amending the same," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES    89 }  
 { NAYS    00 }

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Harris       | Mr. Rogers          |
| Mr. Bailey       | Mr. Heermans     | Mr. Russell         |
| Mr. Barber       | Mr. Hervey       | Mr. Sager           |
| Mr. Betts        | Mr. Hine         | Mr. Salisbury       |
| Mr. Bevens       | Mr. Horton       | Mr. Searing         |
| Mr. Boughton     | Mr. Howard       | Mr. Sears           |
| Mr. Bowen        | Mr. Huntington   | Mr. Sherman         |
| Mr. J. Brooks    | Mr. Johnson      | Mr. Skelton         |
| Mr. M. Brooks    | Mr. Kinne        | Mr. A. C. Smith     |
| Mr. L. H. Brown  | Mr. Knapp        | Mr. W. Smith        |
| Mr. S. A. Brown  | Mr. D. Lee       | Mr. Speaker         |
| Mr. Bunker       | Mr. T. R. Lee    | Mr. Spring          |
| Mr. Casner       | Mr. Long         | Mr. J. Stevenson    |
| Mr. Chase        | Mr. M'Carthy     | Mr. Strobridge      |
| Mr. Coe          | Mr. M'Donald     | Mr. Sweeney         |
| Mr. Collins      | Mr. M'Key        | Mr. Thayer          |
| Mr. C. F. Crosby | Mr. M'Vean       | Mr. Titus           |
| Mr. Danforth     | Mr. Mann         | Mr. Tuthill         |
| Mr. Dickson      | Mr. C. B. Miller | Mr. Van Schoonhoven |
| Mr. Edwards      | Mr. S. Miller    | Mr. Van Valkenburgh |
| Mr. Fellows      | Mr. Moulton      | Mr. Walrath         |
| Mr. Field        | Mr. Newkirk      | Mr. Wells           |
| Mr. Fonda        | Mr. Niven        | Mr. Wheeler         |
| Mr. Garretson    | Mr. Oakley       | Mr. White           |
| Mr. Giffard      | Mr. Pardee       | Mr. Whitney         |
| Mr. G. Goold     | Mr. Pierce       | Mr. Wilcox          |
| Mr. Gregory      | Mr. Porter       | Mr. Wyckoff         |
| Mr. Hall         | Mr. Preston      | Mr. A. W. Young     |
| Mr. Hammond      | Mr. Raymond      | Mr. J. Young        |
| Mr. Hannum       | Mr. Rice         |                     |

89

*Ordered,* That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to prevent the racing and trotting of horses on any of the several roads, streets or avenues in the city and county of New-York, and for other purposes," was read the third time.



Debates were had thereon ; when

Mr. Jones called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Whereupon,

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the negative.

{ AYES 44 {  
{ NAYS 49 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                  |               |                     |
|------------------|---------------|---------------------|
| Mr. Bachman      | Mr. D. Gould  | Mr. Pierce          |
| Mr. Bagg         | Mr. G. Goold  | Mr. Preston         |
| Mr. Bailey       | Mr. Gregory   | Mr. Raymond         |
| Mr. Bevins       | Mr. Hammond   | Mr. Russell         |
| Mr. M. Brooks    | Mr. Harden    | Mr. Searing         |
| Mr. Brower       | Mr. Hazelton  | Mr. Sherman         |
| Mr. Bunker       | Mr. Knapp     | Mr. Skelton         |
| Mr. Carpenter    | Mr. T. R. Lee | Mr. Sweeney         |
| Mr. Chase        | Mr. Long      | Mr. Tuthill         |
| Mr. Constant     | Mr. M'Carthy  | Mr. Van Schoonhoven |
| Mr. Crain        | Mr. M'Donald  | Mr. Walrath         |
| Mr. C. F. Crosby | Mr. Mann      | Mr. Wells           |
| Mr. Edwards      | Mr. Moulton   | Mr. Whitney         |
| Mr. Fellows      | Mr. Newkirk   | Mr. J. Young        |
| Mr. Fonda        | Mr. Pardee    |                     |

44

Those who voted in the negative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Betts       | Mr. Hervey       | Mr. Sager           |
| Mr. Bloss       | Mr. Hine         | Mr. Salisbury       |
| Mr. Boughton    | Mr. Howard       | Mr. Sears           |
| Mr. Bowen       | Mr. Huntington   | Mr. A. C. Smith     |
| Mr. J. Brooks   | Mr. Johnson      | Mr. W. Smith        |
| Mr. S. A. Brown | Mr. Jones        | Mr. Speaker         |
| Mr. Burdick     | Mr. Kinne        | Mr. Spring          |
| Mr. Coe         | Mr. D. Lee       | Mr. J. Stevenson    |
| Mr. Danforth    | Mr. M'Key        | Mr. Strobbridge     |
| Mr. Dickson     | Mr. M'Vean       | Mr. Thayer          |
| Mr. Field       | Mr. C. B. Miller | Mr. Titus           |
| Mr. Garretson   | Mr. S. Miller    | Mr. Van Valkenburgh |
| Mr. Gifford     | Mr. Niven        | Mr. Wheeler         |
| Mr. Hall        | Mr. Oakley       | Mr. White           |
| Mr. Hannum      | Mr. Rice         | Mr. Wyckoff         |
| Mr. Harris      | Mr. Rogers       | Mr. A. W. Young     |
| Mr. Heermance   |                  |                     |

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Mr. Jones moved a reconsideration of the said vote.

Mr. Chase moved to lay the said motion of Mr. Jones on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Chase, and it was determined in the affirmative.

} AYES 46 }  
} NAYS 45 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|               |                  |                     |
|---------------|------------------|---------------------|
| Mr. Bachman   | Mr. Harden       | Mr. Preston         |
| Mr. Bagg      | Mr. Hazelton     | Mr. Raymond         |
| Mr. Bailey    | Mr. Horton       | Mr. Russell         |
| Mr. Bevens    | Mr. Jones        | Mr. Searing         |
| Mr. M. Brooks | Mr. Knapp        | Mr. Sherman         |
| Mr. Brower    | Mr. Long         | Mr. Skelton         |
| Mr. Bunker    | Mr. M'Carthy     | Mr. Sweeney         |
| Mr. Carpenter | Mr. M'Donald     | Mr. Tuthill         |
| Mr. Chase     | Mr. Mann         | Mr. Van Schoonhoven |
| Mr. Constant  | Mr. C. B. Miller | Mr. Walrath         |
| Mr. Crain     | Mr. Moulton      | Mr. Wells           |
| Mr. Fellows   | Mr. Newkirk      | Mr. Wheeler         |
| Mr. Fonda     | Mr. Pardee       | Mr. White           |
| Mr. D. Gould  | Mr. Pierce       | Mr. Whitney         |
| Mr. Gregory   | Mr. Porter       | Mr. J. Young        |
| Mr. Hammond   |                  |                     |

46

Those who voted in the negative are

|                  |                |                  |
|------------------|----------------|------------------|
| Mr. Betts        | Mr. Hannum     | Mr. Rice         |
| Mr. Bloss        | Mr. Harris     | Mr. Rogers       |
| Mr. Boughton     | Mr. Heermans   | Mr. Sager        |
| Mr. Bowen        | Mr. Hervey     | Mr. Salisbury    |
| Mr. J. Brooks    | Mr. Hine       | Mr. Sears        |
| Mr. S. A. Brown  | Mr. Howard     | Mr. A. C. Smith  |
| Mr. Burdick      | Mr. Huntington | Mr. W. Smith     |
| Mr. Coe          | Mr. Johnson    | Mr. Speaker      |
| Mr. C. F. Crosby | Mr. Kinne      | Mr. Spring       |
| Mr. Danforth     | Mr. D. Lee     | Mr. J. Stevenson |
| Mr. Dickson      | Mr. M'Key      | Mr. Strobbridge  |
| Mr. Field        | Mr. M'Vean     | Mr. Thayer       |
| Mr. Garretson    | Mr. S. Miller  | Mr. Titus        |
| Mr. Giffard      | Mr. Niven      | Mr. Wyckoff      |
| Mr. Hall         | Mr. Oakley     | Mr. A. W. Young  |

45

The engrossed bill entitled "An act for the relief of Hezekiah Sage, John I. Walrath and Albert T. Dunham," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to incorporate the Unadilla and Norwich Turnpike Company," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 89 }  
 { NAYS 00 }

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Hall         | Mr. Raymond         |
| Mr. Bagg         | Mr. Hammond      | Mr. Rice            |
| Mr. Barber       | Mr. Hannum       | Mr. Rogers          |
| Mr. Betts        | Mr. Harden       | Mr. Russell         |
| Mr. Bevens       | Mr. Harris       | Mr. Sager           |
| Mr. Bloss        | Mr. Heermans     | Mr. Salisbury       |
| Mr. Boughton     | Mr. Hervey       | Mr. Searing         |
| Mr. Bowen        | Mr. Hine         | Mr. Sears           |
| Mr. J. Brooks    | Mr. Horton       | Mr. Sherman         |
| Mr. M. Brooks    | Mr. Howard       | Mr. Skelton         |
| Mr. Brower       | Mr. Johnson      | Mr. A. C. Smith     |
| Mr. L. H. Brown  | Mr. Jones        | Mr. W. Smith        |
| Mr. S. A. Brown  | Mr. Kinne        | Mr. Speaker         |
| Mr. Bunker       | Mr. Knapp        | Mr. Spring          |
| Mr. Burdick      | Mr. D. Lee       | Mr. J. Stevenson    |
| Mr. Carpenter    | Mr. Long         | Mr. Strobbridge     |
| Mr. Chase        | Mr. M'Carthy     | Mr. Sweeney         |
| Mr. Coe          | Mr. M'Donald     | Mr. Thayer          |
| Mr. Collins      | Mr. M'Key        | Mr. Tibbits         |
| Mr. Constant     | Mr. M'Vean       | Mr. Titus           |
| Mr. C. F. Crosby | Mr. Mann         | Mr. Tutbill         |
| Mr. Danforth     | Mr. C. B. Miller | Mr. Van Schoonhoven |
| Mr. Dickson      | Mr. S. Miller    | Mr. Van Valkenburgh |
| Mr. Edwards      | Mr. Newkirk      | Mr. Wells           |
| Mr. Fellows      | Mr. Niven        | Mr. White           |
| Mr. Field        | Mr. Oakley       | Mr. Whitney         |
| Mr. Fonda        | Mr. Pardee       | Mr. Wilcox          |
| Mr. Garretson    | Mr. Pierce       | Mr. Wyckoff         |
| Mr. Giffard      | Mr. Porter       | Mr. A. W. Young     |
| Mr. G. Goold     | Mr. Preston      |                     |

89

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill from the Senate, entitled "An act to provide for building a bridge across the Walkill at New-Paltz village," with the engrossed amendments, was read the third time.

*Resolved,* That the bill and amendments do pass.

*Ordered,* That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same with the amendments thereto therewith delivered.

The engrossed bill from the Senate, entitled "An act for the relief of Richard Perkins, William M. Smith and Joseph U. Blood," was read the third time.

*Resolved,* That the bill do pass.

*Ordered,* That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The hour of half past one o'clock having arrived,

The House took a recess until half past three o'clock this afternoon.

---

### HALF PAST THREE O'CLOCK P. M.

The House again met.

The House then again resolved itself into a committee of the whole, on the amendments to the Constitution; and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Jones, from the said committee, reported progress, and asked for leave to sit again.

Mr. Speaker put the question whether the House would grant the committee of the whole leave to sit again on the said amendments, and it was determined in the negative.

On motion of Mr. Oakley,

*Ordered,* That the said amendments be laid on the table.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to incorporate the village of Ebenezer in the county of Erie," and found the same correctly engrossed.

*Ordered,* That the said bill do have its third reading.

Mr. M. Brooks moved a reconsideration of the vote on agreeing to the final passage of the bill for the improvement of public highways.

*Ordered,* That the said motion be laid on the table.

On motion of Mr. Oakley,

The House then adjourned to ten o'clock to-morrow morning.



## THURSDAY, APRIL 10, 1845.

The House met pursuant to adjournment.

The minutes of yesterday were read and approved.

The petition of Ann Hill, an alien, praying for relief, was read, and referred to the committee on the petitions of aliens.

The petition of sundry inhabitants of the county of Onondaga, praying for the passage of a law to authorise the loaning of money for the purpose of erecting a market and other public buildings, was read, and referred to the committee on the internal affairs of towns and counties.

The petition of sundry inhabitants of the town of Caroga in the county of Fulton, praying for a repeal of the act appointing an extra commissioner of highways in said towns, was read, and referred to the committee on the internal affairs of towns and counties.

The petition of sundry inhabitants of the county of Jefferson, praying for the completion of the Black River canal, was read, and referred to the committee on canals.

The petition of seventy-five inhabitants of the county of Oneida, praying for an alteration of the law of landlord and tenant, was read, and ordered to be laid on the table.

The petition of sundry inhabitants of the county of Ontario, praying for the incorporation of a company to construct a railroad from Canandaigua to Corning, was read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of one hundred inhabitants of the village of Greenbush in the county of Rensselaer, against the construction of a bridge across the Hudson river at the city of Albany, was read, and referred to the committee of the whole when on the bill upon that subject.

Four several petitions of sundry inhabitants of the county of New-York, praying for an equalization of the tolls on the canals west of the village of Syracuse, were read, and referred to the committee of the whole when on the bill upon that subject.

Eleven several petitions of sundry inhabitants of the city of New-York, praying for the passage of a law authorising the erection of a bridge across the Hudson river at the city of Albany, were read, and referred to the committee of the whole when on the bill upon that subject.

Three several remonstrances of sundry inhabitants of the counties of Schoharie, Putnam and Orange, against the incorporation of the American and Foreign Bible Society, were read, and referred to the committee of the whole when on the bill upon that subject.

Six several petitions of sundry inhabitants of the counties of Schoharie, Westchester, Saratoga, Essex and Albany, praying for the incorporation of the American and Foreign Bible Society, were read, and ordered to be laid on the table.

In pursuance of a resolution of the House, passed Friday, April 4th, the House proceeded to the consideration of the amendments to the Constitution, which were transmitted from the Senate for concurrence.

Mr. T. R. Lee moved a call of the House.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. T. R. Lee, and it was determined in the affirmative.

The lobbies and galleries were then vacated, and the doors closed.

The roll having been called by the Clerk, the following members were present, and answered to their names, to wit :

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. D. Gould     | Mr. Porter          |
| Mr. Bagg         | Mr. G. Goold     | Mr. Preston         |
| Mr. Barber       | Mr. Gregory      | Mr. Raymond         |
| Mr. Betts        | Mr. Hammond      | Mr. Rice            |
| Mr. Bevens       | Mr. Hannum       | Mr. Rogers          |
| Mr. Billings     | Mr. Harden       | Mr. Ross            |
| Mr. Blake        | Mr. Harris       | Mr. Russell         |
| Mr. Bloss        | Mr. Hazelton     | Mr. Sager           |
| Mr. Boughton     | Mr. Heermans     | Mr. Salisbury       |
| Mr. Bowen        | Mr. Hervey       | Mr. Searing         |
| Mr. J. Brooks    | Mr. Hine         | Mr. Sears           |
| Mr. M. Brooks    | Mr. Horton       | Mr. Sherman         |
| Mr. Brower       | Mr. Howard       | Mr. Skelton         |
| Mr. L. H. Brown  | Mr. Huntington   | Mr. A. C. Smith     |
| Mr. S. A. Brown  | Mr. Johnson      | Mr. W. Smith        |
| Mr. A. H. Buell  | Mr. Jones        | Mr. Speaker         |
| Mr. Bunker       | Mr. Kinne        | Mr. Spring          |
| Mr. Burdick      | Mr. Knapp        | Mr. J. Stevenson    |
| Mr. Bush         | Mr. D. Lee       | Mr. R. L. Stevenson |
| Mr. Carpenter    | Mr. T. R. Lee    | Mr. Strobbridge     |
| Mr. Casner       | Mr. Litchfield   | Mr. Sweeney         |
| Mr. Chase        | Mr. Long         | Mr. Tefft           |
| Mr. Coe          | Mr. M'Carthy     | Mr. Thayer          |
| Mr. Comstock     | Mr. M'Donald     | Mr. Thompson        |
| Mr. Constant     | Mr. M'Key        | Mr. Tibbits         |
| Mr. Crain        | Mr. M'Vean       | Mr. Titus           |
| Mr. C. F. Crosoy | Mr. Mann         | Mr. Van Schoonhoven |
| Mr. Culver       | Mr. Mersereau    | Mr. Van Valkenburgh |
| Mr. Danforth     | Mr. C. B. Miller | Mr. Walrath         |
| Mr. De Puy       | Mr. S. Miller    | Mr. Wells           |
| Mr. Dewey        | Mr. Morris       | Mr. Wheeler         |
| Mr. Dickson      | Mr. Morrison     | Mr. White           |
| Mr. Edwards      | Mr. Moulton      | Mr. Whitney         |
| Mr. Fellows      | Mr. Newkirk      | Mr. Wilcox          |
| Mr. Field        | Mr. Niven        | Mr. Worden          |
| Mr. Fonda        | Mr. Oakley       | Mr. Wyckoff         |
| Mr. Frisbee      | Mr. Pardee       | Mr. A. W. Young     |
| Mr. Garretson    | Mr. Pierce       | Mr. J. Young        |
| Mr. Giffard      |                  |                     |

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Mr. Wheeler moved that all further proceedings under the call of the House be dispensed with.

Mr. Speaker put the question whether the House would agree to the

said motion of Mr. Wheeler, and it was determined in the affirmative. The doors were then opened.

A communication from the Hon. Richard M. Tuthill was received and read, in the words following, to wit :

To the Hon. H. SEYMOUR,  
*Speaker of the Assembly.*  
SIR,

One of my greatest solicitudes during the session has been, that I might be permitted to record my vote for the proposed amendments of the Constitution. By resolution of the House, that vote is to be taken to-day. I am confined to my bed by illness, and for the first day during the session I find myself unable to occupy my place in the House.

If it shall be the will of the House, and in accordance with propriety, I earnestly desire that my vote may be recorded in favor of the amendments.

Respectfully your obedient servant,

RICHARD M. TUTHILL.

*Townsend House, April 10, 1845.*

On motion of Mr. Worden,

*Ordered,* That the said communication be entered upon the Journal of the House.

Whereupon,

The "Resolution agreeing to the proposed amendment to the Constitution of this State, in relation to the Court of Chancery," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said resolution, and it was determined in the negative ; less than two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 62 }  
{ NAYS 52 }

Those who voted in the affirmative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. Gregory      | Mr. Rogers          |
| Mr. Bagg        | Mr. Harden       | Mr. Russell         |
| Mr. Bailey      | Mr. Hazelton     | Mr. Sager           |
| Mr. Bevens      | Mr. Hervey       | Mr. Salisbury       |
| Mr. Billings    | Mr. Hine         | Mr. Searing         |
| Mr. J. Brooks   | Mr. Howard       | Mr. Sears           |
| Mr. M. Brooks   | Mr. Jones        | Mr. Skelton         |
| Mr. Brower      | Mr. Kinne        | Mr. A. C. Smith     |
| Mr. L. H. Brown | Mr. Knapp        | Mr. W. Smith        |
| Mr. Bunker      | Mr. T. R. Lee    | Mr. Speaker         |
| Mr. Burdick     | Mr. M'Donald     | Mr. Spring          |
| Mr. Carpenter   | Mr. M'Key        | Mr. R. L. Stevenson |
| Mr. Coe         | Mr. C. B. Miller | Mr. Strobridge      |

|              |               |                     |
|--------------|---------------|---------------------|
| Mr. Comstock | Mr. S. Miller | Mr. Tefft           |
| Mr. Constant | Mr. Morris    | Mr. Thayer          |
| Mr. Danforth | Mr. Newkirk   | Mr. Titus           |
| Mr. Dickson  | Mr. Niven     | Mr. Van Valkenburgh |
| Mr. Fellows  | Mr. Pardee    | Mr. Walrath         |
| Mr. Field    | Mr. Pierce    | Mr. White           |
| Mr. Fonda    | Mr. Porter    | Mr. Whitney         |
| Mr. D. Gould | Mr. Preston   |                     |

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Those who voted in the negative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Barber       | Mr. Garretson  | Mr. Oakley          |
| Mr. Betts        | Mr. Giffard    | Mr. Raymond         |
| Mr. Blake        | Mr. G. Goold   | Mr. Rice            |
| Mr. Bloss        | Mr. Hammond    | Mr. Ross            |
| Mr. Boughton     | Mr. Hannum     | Mr. Sherman         |
| Mr. Bowen        | Mr. Harris     | Mr. J. Stevenson    |
| Mr. S. A. Brown  | Mr. Heermans   | Mr. Sweeney         |
| Mr. A. H. Buell  | Mr. Horton     | Mr. Thompson        |
| Mr. Bush         | Mr. Huntington | Mr. Tibbits         |
| Mr. Casner       | Mr. Johnson    | Mr. Van Schoonhoven |
| Mr. Chase        | Mr. D. Lee     | Mr. Wells           |
| Mr. Crain        | Mr. Litchfield | Mr. Wheeler         |
| Mr. C. F. Crosby | Mr. Long       | Mr. Wilcox          |
| Mr. Culver       | Mr. M'Vean     | Mr. Worden          |
| Mr. De Puy       | Mr. Mann       | Mr. Wyckoff         |
| Mr. Dewey        | Mr. Mersereau  | Mr. A. W. Young     |
| Mr. Edwards      | Mr. Morrison   | Mr. J. Young        |
| Mr. Frisbee      | Mr. Moulton    |                     |

53

*Ordered*, That the Clerk return the said resolution to the Senate, and inform them that the Assembly have rejected the same.

The "Resolution agreeing to the proposed amendment to the Constitution of this State, in relation to the Supreme Court," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said resolution, and it was determined in the negative; less than two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit:

{ AYES 61 }  
{ NAYS 56 }

Those who voted in the affirmative are

|              |              |             |
|--------------|--------------|-------------|
| Mr. Bachman  | Mr. Gregory  | Mr. Porter  |
| Mr. Bagg     | Mr. Harden   | Mr. Preston |
| Mr. Bailey   | Mr. Hazelton | Mr. Rogers  |
| Mr. Bevens   | Mr. Hervey   | Mr. Russell |
| Mr. Billings | Mr. Hine     | Mr. Sager   |



|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. J. Brooks   | Mr. Howard       | Mr. Salisbury       |
| Mr. M. Brooks   | Mr. Jones        | Mr. Searing         |
| Mr. Brower      | Mr. Kinne        | Mr. Sears           |
| Mr. L. H. Brown | Mr. Knapp        | Mr. Skelton         |
| Mr. Bunker      | Mr. T. R. Lee    | Mr. A. C. Smith     |
| Mr. Burdick     | Mr. M'Carthy     | Mr. W. Smith        |
| Mr. Cameron     | Mr. M'Donald     | Mr. Speaker         |
| Mr. Carpenter   | Mr. M'Key        | Mr. R. L. Stevenson |
| Mr. Coe         | Mr. C. B. Miller | Mr. Strobridge      |
| Mr. Comstock    | Mr. S. Miller    | Mr. Tefft           |
| Mr. Constant    | Mr. Morris       | Mr. Thayer          |
| Mr. Danforth    | Mr. Newkirk      | Mr. Titus*          |
| Mr. Dickson     | Mr. Niven        | Mr. Van Valkenburgh |
| Mr. Fellows     | Mr. Pardee       | Mr. Walrath         |
| Mr. Fonda       | Mr. Pierce       | Mr. Whitney         |
| Mr. D. Gould    |                  |                     |

61

Those who voted in the negative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Barber       | Mr. Garretson  | Mr. Raymond         |
| Mr. Betts        | Mr. Giffard    | Mr. Rice            |
| Mr. Blake        | Mr. G. Goold   | Mr. Ross            |
| Mr. Bloss        | Mr. Hammond    | Mr. Sherman         |
| Mr. Boughton     | Mr. Hannum     | Mr. Spring          |
| Mr. Bowen        | Mr. Harris     | Mr. J. Stevenson    |
| Mr. S. A. Brown  | Mr. Heermans   | Mr. Sweeney         |
| Mr. A. H. Buell  | Mr. Horton     | Mr. Thompson        |
| Mr. Bush         | Mr. Huntington | Mr. Tibbits         |
| Mr. Casner       | Mr. Johnson    | Mr. Van Schoonhoven |
| Mr. Chase        | Mr. D. Lee     | Mr. Wells           |
| Mr. Crain        | Mr. Litchfield | Mr. Wheeler         |
| Mr. C. F. Crosby | Mr. Long       | Mr. White           |
| Mr. Culver       | Mr. M'Vean     | Mr. Wilcox          |
| Mr. De Puy       | Mr. Mann       | Mr. Worden          |
| Mr. Dewey        | Mr. Mersereau  | Mr. Wyckoff         |
| Mr. Edwards      | Mr. Morrison   | Mr. A. W. Young     |
| Mr. Field        | Mr. Moulton    | Mr. J. Young        |
| Mr. Frisbee      | Mr. Oakley     |                     |

56

*Ordered*, That the Clerk return the said resolution to the Senate, and inform them that the Assembly have rejected the same.

The "Resolution agreeing to the proposed amendment to the Constitution, abrogating the property qualification for office," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said resolution, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 111 }  
{ NAYS 04 }

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. G. Goold     | Mr. Porter          |
| Mr. Bagg         | Mr. Gregory      | Mr. Preston         |
| Mr. Bailey       | Mr. Hall         | Mr. Raymond         |
| Mr. Barber       | Mr. Hammond      | Mr. Rice            |
| Mr. Bevens       | Mr. Hannum       | Mr. Rogers          |
| Mr. Billings     | Mr. Harden       | Mr. Ross            |
| Mr. Blake        | Mr. Harris       | Mr. Russell         |
| Mr. Boughton     | Mr. Hazelton     | Mr. Sager           |
| Mr. Bowen        | Mr. Heermans     | Mr. Salisbury       |
| Mr. J. Brooks    | Mr. Hervey       | Mr. Searing         |
| Mr. M. Brooks    | Mr. Hine         | Mr. Sears           |
| Mr. Brower       | Mr. Horton       | Mr. Sherman         |
| Mr. L. H. Brown  | Mr. Howard       | Mr. Skelton         |
| Mr. S. A. Brown  | Mr. Johnson      | Mr. A. C. Smith     |
| Mr. A. H. Buell  | Mr. Jones        | Mr. W. Smith        |
| Mr. Bunker       | Mr. Kinne        | Mr. Speaker         |
| Mr. Burdick      | Mr. Knapp        | Mr. Spring          |
| Mr. Bush         | Mr. D. Lee       | Mr. J. Stevenson    |
| Mr. Cameron      | Mr. T. R. Lee    | Mr. R. L. Stevenson |
| Mr. Carpenter    | Mr. Litchfield   | Mr. Strobbridge     |
| Mr. Casner       | Mr. Long         | Mr. Sweeney         |
| Mr. Chase        | Mr. M'Carthy     | Mr. Tefft           |
| Mr. Coe          | Mr. M'Donald     | Mr. Thayer          |
| Mr. Comstock     | Mr. M'Key        | Mr. Thompson        |
| Mr. Constant     | Mr. M'Vean       | Mr. Tibbits         |
| Mr. Crain        | Mr. Mann         | Mr. Titus           |
| Mr. C. F. Crosby | Mr. Mersereau    | Mr. Van Schoonhoven |
| Mr. Culver       | Mr. C. B. Miller | Mr. Van Valkenburgh |
| Mr. Danforth     | Mr. S. Miller    | Mr. Walrath         |
| Mr. Dickson      | Mr. Morris       | Mr. Wells           |
| Mr. Edwards      | Mr. Morrison     | Mr. Wheeler         |
| Mr. Fellows      | Mr. Moulton      | Mr. White           |
| Mr. Field        | Mr. Newkirk      | Mr. Whitney         |
| Mr. Fonda        | Mr. Niven        | Mr. Worden          |
| Mr. Frisbee      | Mr. Oakley       | Mr. Wyckoff         |
| Mr. Giffard      | Mr. Pardee       | Mr. A. W. Young     |
| Mr. D. Gould     | Mr. Pierce       | Mr. J. Young        |

111

Those who voted in the negative are

|            |           |                |
|------------|-----------|----------------|
| Mr. Betts  | Mr. Dewey | Mr. Huntington |
| Mr. De Puy |           |                |

4

*Ordered,* That the Clerk return the said resolution to the Senate, and inform them that the Assembly have concurred in the same.

The "Resolution agreeing to certain proposed amendments to the Constitution, in relation to State debt and liability," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said resolution, and it was determined in the negative ; less than two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 64 {  
{ NAYS 51 }

Those who voted in the affirmative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. Gregory      | Mr. Porter          |
| Mr. Bagg        | Mr. Hall         | Mr. Preston         |
| Mr. Bailey      | Mr. Harden       | Mr. Rogers          |
| Mr. Billings    | Mr. Hazelton     | Mr. Russell         |
| Mr. J. Brooks   | Mr. Hervey       | Mr. Sager           |
| Mr. M. Brooks   | Mr. Hine         | Mr. Salisbury       |
| Mr. Brower      | Mr. Jones        | Mr. Searing         |
| Mr. L. H. Brown | Mr. Kinne        | Mr. Sears           |
| Mr. A. H. Buell | Mr. Knapp        | Mr. Skelton         |
| Mr. Bunker      | Mr. T. R. Lee    | Mr. A. C. Smith     |
| Mr. Burdick     | Mr. M'Carthy     | Mr. W. Smith        |
| Mr. Cameron     | Mr. M'Donald     | Mr. Speaker         |
| Mr. Carpenter   | Mr. M'Key        | Mr. R. L. Stevenson |
| Mr. Chase       | Mr. C. B. Miller | Mr. Strobbridge     |
| Mr. Comstock    | Mr. S. Miller    | Mr. Tefft           |
| Mr. Constant    | Mr. Morris       | Mr. Thayer          |
| Mr. Crain       | Mr. Moulton      | Mr. Thompson        |
| Mr. Danforth    | Mr. Newkirk      | Mr. Titus           |
| Mr. Dickson     | Mr. Niven        | Mr. Van Valkenburgh |
| Mr. Fellows     | Mr. Pardee       | Mr. Walrath         |
| Mr. Fonda       | Mr. Pierce       | Mr. Whitney         |
| Mr. D. Gould    |                  |                     |

64

Those who voted in the negative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Barber       | Mr. Garretson  | Mr. Oakley          |
| Mr. Betts        | Mr. Gifford    | Mr. Raymond         |
| Mr. Blake        | Mr. G. Goold   | Mr. Rice            |
| Mr. Bloss        | Mr. Hammond    | Mr. Ross            |
| Mr. Boughton     | Mr. Hannum     | Mr. Spring          |
| Mr. Bowen        | Mr. Harris     | Mr. J. Stevenson    |
| Mr. S. A. Brown  | Mr. Heermans   | Mr. Sweeney         |
| Mr. Bush         | Mr. Horton     | Mr. Tibbits         |
| Mr. Casner       | Mr. Huntington | Mr. Van Schoonhoven |
| Mr. Coe          | Mr. Johnson    | Mr. Wells           |
| Mr. C. F. Crosby | Mr. D. Lee     | Mr. Wheeler         |
| Mr. Culver       | Mr. Litchfield | Mr. White           |
| Mr. De Puy       | Mr. Long       | Mr. Wilcox          |
| Mr. Dewey        | Mr. M'Vean     | Mr. Worden          |
| Mr. Edwards      | Mr. Mann       | Mr. Wyckoff         |
| Mr. Field        | Mr. Mersereau  | Mr. A. W. Young     |
| Mr. Frisbee      | Mr. Morrison   | Mr. J. Young        |

51

*Ordered*, That the Clerk return the said resolution to the Senate, and inform them that the Assembly have rejected the same.

The "Resolution agreeing to the proposed amendment to the Constitution of this State, in relation to the removal of judicial officers," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said resolution, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 108 }  
{ NAYS 07 }

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Garretson    | Mr. Pardee          |
| Mr. Bagg         | Mr. Giffard      | Mr. Pierce          |
| Mr. Bailey       | Mr. D. Gould     | Mr. Porter          |
| Mr. Barber       | Mr. G. Goold     | Mr. Preston         |
| Mr. Bevens       | Mr. Gregory      | Mr. Raymond         |
| Mr. Billings     | Mr. Hall         | Mr. Rice            |
| Mr. Blake        | Mr. Hammond      | Mr. Rogers          |
| Mr. Bloss        | Mr. Hannum       | Mr. Russell         |
| Mr. Boughton     | Mr. Harden       | Mr. Sager           |
| Mr. Bowen        | Mr. Harris       | Mr. Salisbury       |
| Mr. J. Brooks    | Mr. Hazelton     | Mr. Searing         |
| Mr. M. Brooks    | Mr. Heermans     | Mr. Sears           |
| Mr. Brower       | Mr. Hervey       | Mr. Sherman         |
| Mr. L. H. Brown  | Mr. Hine         | Mr. Skelton         |
| Mr. S. A. Brown  | Mr. Horton       | Mr. A. C. Smith     |
| Mr. A. H. Buell  | Mr. Johnson      | Mr. W. Smith        |
| Mr. Bunker       | Mr. Jones        | Mr. Speaker         |
| Mr. Burdick      | Mr. Kinne        | Mr. Spring          |
| Mr. Bush         | Mr. Knapp        | Mr. J. Stevenson    |
| Mr. Cameron      | Mr. D. Lee       | Mr. R. L. Stevenson |
| Mr. Carpenter    | Mr. T. R. Lee    | Mr. Strobridge      |
| Mr. Casner       | Mr. Litchfield   | Mr. Sweeney         |
| Mr. Chase        | Mr. Long         | Mr. Tefft           |
| Mr. Coe          | Mr. M'Carthy     | Mr. Thayer          |
| Mr. Comstock     | Mr. M'Donald     | Mr. Thompson        |
| Mr. Constant     | Mr. M'Key        | Mr. Tibbits         |
| Mr. Crain        | Mr. M'Vean       | Mr. Titus           |
| Mr. C. F. Crosby | Mr. Mann         | Mr. Van Schoonhoven |
| Mr. Danforth     | Mr. Mersereau    | Mr. Van Valkenburgh |
| Mr. Dewey        | Mr. C. B. Miller | Mr. Walrath         |
| Mr. Dickson      | Mr. S. Miller    | Mr. Wells           |
| Mr. Edwards      | Mr. Morris       | Mr. White           |
| Mr. Fellows      | Mr. Morrison     | Mr. Whitney         |
| Mr. Field        | Mr. Moulton      | Mr. Worden          |
| Mr. Fonda        | Mr. Newkirk      | Mr. A. W. Young     |
| Mr. Frisbee      | Mr. Niven        | Mr. J. Young        |



Those who voted in the negative are

|            |                |             |
|------------|----------------|-------------|
| Mr. Betts  | Mr. Huntington | Mr. Ross    |
| Mr. Culver | Mr. Oakley     | Mr. Wheeler |
| Mr. De Puy |                |             |

7

*Ordered*, That the Clerk return the said resolution to the Senate, and inform them that the Assembly have concurred in the same.

Mr. Boughton moved a reconsideration of the votes on the final passage of the several resolutions agreeing to the proposed amendments to the Constitution, relative to the Court of Chancery, to the Supreme Court, and to State debt and liability.

Mr. Boughton also moved that the question on the said motion for reconsideration be laid on the table.

Mr. Speaker put the question whether the House would agree to the last motion of Mr. Boughton, and it was determined in the negative; less than two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |      |      |
|---|------|------|
| } | AYES | 50 } |
| } | NAYS | 65 } |

Those who voted in the affirmative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. Gregory      | Mr. Porter          |
| Mr. Bagg        | Mr. Hall         | Mr. Rogers          |
| Mr. Bevens      | Mr. Harden       | Mr. Russell         |
| Mr. Billings    | Mr. Hazelton     | Mr. Sager           |
| Mr. Boughton    | Mr. Hine         | Mr. Sears           |
| Mr. M. Brooks   | Mr. Jones        | Mr. Skelton         |
| Mr. Brower      | Mr. Knapp        | Mr. A. C. Smith     |
| Mr. L. H. Brown | Mr. T. R. Lee    | Mr. W. Smith        |
| Mr. Burdick     | Mr. M'Donald     | Mr. Speaker         |
| Mr. Cameron     | Mr. M'Key        | Mr. R. L. Stevenson |
| Mr. Carpenter   | Mr. C. B. Miller | Mr. Strobbridge     |
| Mr. Comstock    | Mr. S. Miller    | Mr. Thayer          |
| Mr. Constant    | Mr. Morris       | Mr. Van Valkenburgh |
| Mr. Danforth    | Mr. Newkirk      | Mr. Walrath         |
| Mr. Fellows     | Mr. Niven        | Mr. Wheeler         |
| Mr. Fonda       | Mr. Pardee       | Mr. Whitney         |
| Mr. D. Gould    | Mr. Pierce       |                     |

50

Those who voted in the negative are

|            |               |               |
|------------|---------------|---------------|
| Mr. Bailey | Mr. Garretson | Mr. Raymond   |
| Mr. Barber | Mr. Giffard   | Mr. Rice      |
| Mr. Betts  | Mr. G. Goold  | Mr. Ross      |
| Mr. Blake  | Mr. Hammond   | Mr. Salisbury |
| Mr. Bloss  | Mr. Hannum    | Mr. Searing   |
| Mr. Bowen  | Mr. Harris    | Mr. Sherman   |

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. J. Brooks    | Mr. Heermans   | Mr. Spring          |
| Mr. A. H. Buell  | Mr. Hervey     | Mr. J. Stevenson    |
| Mr. Bunker       | Mr. Horton     | Mr. Sweeney         |
| Mr. Bush         | Mr. Huntington | Mr. Tefft           |
| Mr. Casner       | Mr. Johnson    | Mr. Thompson        |
| Mr. Chase        | Mr. Kinne      | Mr. Tibbits         |
| Mr. Coe          | Mr. D. Lee     | Mr. Titus           |
| Mr. Crain        | Mr. Litchfield | Mr. Van Schoonhoven |
| Mr. C. F. Crosby | Mr. Long       | Mr. Wells           |
| Mr. Culver       | Mr. M'Carthy   | Mr. White           |
| Mr. De Puy       | Mr. M'Vean     | Mr. Wilcox          |
| Mr. Dewey        | Mr. Mann       | Mr. Worden          |
| Mr. Dickson      | Mr. Morrison   | Mr. Wyckoff         |
| Mr. Edwards      | Mr. Moulton    | Mr. A. W. Young     |
| Mr. Field        | Mr. Oakley     | Mr. J. Young        |
| Mr. Frisbee      | Mr. Preston    |                     |

65

Mr. Boughton then withdrew his said motion for the reconsideration of the several votes on the said resolutions.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act concerning the district attorney of Greene county;" the bill entitled "An act relative to the city of Brooklyn;" the bill entitled "An act to authorise the board of supervisors of the county of Monroe to borrow money, and to build a bridge across the Genesee river;" and the bill entitled "An act to incorporate the American and Foreign Bible Society," and found the same severally correctly engrossed.

*Ordered*, That the said bills do have their third reading.

By unanimous consent,

Mr. Morrison asked for and obtained leave to bring in a bill, entitled "An act to change the name of Ogden Edwards;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

By unanimous consent,

Mr. Bagge offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the engrossed bill from the Senate, entitled "An act to pay the guard of one hundred enlisted men for the protection of the jail of the city of Hudson," be referred to the committee of the whole having charge of the bill entitled "An act for the relief of Abial Payne."

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

The House then resolved itself into a committee of the whole, on the bill entitled "An act for the relief of Abial Payne;" on the bill entitled "An act for the relief of James Spraker;" and on the bill from the Senate, entitled "An act to pay the guard of one hundred enlisted men for the protection of the jail in the city of Hudson;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. D. Lee, from the said committee, reported, that the committee had gone through the bill entitled "An act for the relief of Abial Payne," and agreed to the

same without amendment ; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. D. Lee, from the same committee, reported, that the committee had gone through the bill from the Senate, entitled "An act to pay the guard of one hundred enlisted men for the protection of the jail in the city of Hudson," and agreed to the same without amendment ; which report was agreed to by the house, and the bill ordered to have its third reading.

Mr. D. Lee, from the same committee, reported, that the committee had gone through the bill entitled "An act for the relief of James Spraker," made sundry amendments thereto, and agreed to the same ; which he was directed to report to the house.

Mr. D. Lee moved to reinsert the first section of the said bill, which was stricken out in committee of the whole.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. D. Lee, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree with the committee of the whole in their report on the said bill, and it was determined in the negative.

A message from the Senate, with the bill and amendment therein mentioned, was received and read, informing that the Senate had concurred in the amendment of the Assembly to the bill entitled "An act to provide for erecting a bridge across the Walkill in the village of New-Paltz," and amended the same accordingly.

The said amended bill having been examined,

*Ordered*, That the Clerk return the same to the Senate.

The hour of half past one o'clock having arrived,

The House took a recess until half past three o'clock this afternoon.

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### HALF PAST THREE O'CLOCK, P. M.

The House again met.

By unanimous consent,

Mr. Brower offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill entitled "An act relative to suits in justices' courts against non-resident debtors," be taken from the general orders, and ordered to be engrossed for a third reading.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

The House then resolved itself into a committee of the whole, on the bill entitled "An act for the relief of the Trust Fire Insurance Company in the city of New-York ;" on the bill from the Senate, entitled "An act to punish and prevent frauds in the use of false stamps and labels," and on the bill entitled "An act for the relief of Michael Quarters ;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Bush, from the said committee, reported, that the committee had

gone through the bill entitled "An act for the relief of the Trust Fire Insurance Company in the city of New-York," made sundry amendments thereto, and agreed to the same ; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. Bush, from the same committee, reported, that the committee had gone through the bill entitled "An act for the relief of Michael Quarters," and agreed to the same without amendment ; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. Bush, from the same committee, reported, that the committee had gone through the bill from the Senate, entitled "An act to punish and prevent frauds in the use of false stamps and labels," made sundry amendments thereto, and agreed to the same ; which he was directed to report to the house.

Mr. Whitney moved that the question on agreeing with the committee of the whole in their report be laid on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Whitney, and it was determined in the negative.

The question recurred on agreeing to the report of the committee of the whole.

Mr. D. Lee called for a division of the question.

Whereupon Mr. Speaker stated the question to be, whether the House would agree to the amendment of the committee of the whole, striking out the words "being a resident of the United States," in the first section.

Mr. Chase called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Whereupon,

Mr. Speaker put the question whether the House would agree to the remaining portion of the report of the committee of the whole, and it was determined in the affirmative.

*Ordered*, That the said amendments be engrossed, and the bill have its third reading.

A message from the Senate, with the bills therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act to confirm the official acts of Ashbel Palmer, a justice of the peace ;" the bill entitled "An act to amend the act passed May 6th, 1837, and entitled 'An act to amend the act incorporating the village of Geneva ;'" the bill entitled "An act to confirm the official acts of Jonathan Lay, a justice of the peace ;" and the bill entitled "An act relative to levying a tax on dogs in the county of Queens," severally without amendment.

*Ordered*, That the Clerk deliver the said bills to the Governor.

A message from the Senate, with the bill therein mentioned, was received and read, informing that the Senate had rejected the bill entitled "An act to amend an act entitled 'An act to incorporate the Fire-



men's Insurance Company of the city of New-York,' passed April 18, 1825."

A message from the Senate, with the bill therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act to amend an act entitled 'An act to incorporate the Washington Volunteer Fire Company in the village of Troy,'" with the amendment thereto therewith delivered.

The said amendment having been read,

Mr. Van Schoonhoven moved that the House do concur in the same.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Van Schoonhoven, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 97 }  
{ NAYS 00 }

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Giffard      | Mr. Oakley          |
| Mr. Bagg         | Mr. Gregory      | Mr. Pardee          |
| Mr. Barber       | Mr. Hall         | Mr. Porter          |
| Mr. Betts        | Mr. Hammond      | Mr. Preston         |
| Mr. Bevens       | Mr. Hannum       | Mr. Raymond         |
| Mr. Billings     | Mr. Harden       | Mr. Rice            |
| Mr. Blake        | Mr. Harris       | Mr. Rogers          |
| Mr. Bloss        | Mr. Hazelton     | Mr. Ross            |
| Mr. Boughton     | Mr. Hervey       | Mr. Russell         |
| Mr. Bowen        | Mr. Hine         | Mr. Sager           |
| Mr. J. Brooks    | Mr. Horton       | Mr. Salisbury       |
| Mr. M. Brooks    | Mr. Howard       | Mr. Searing         |
| Mr. L. H. Brown  | Mr. Huntington   | Mr. Skelton         |
| Mr. S. A. Brown  | Mr. Johnson      | Mr. A. C. Smith     |
| Mr. A. H. Buell  | Mr. Jones        | Mr. W. Smith        |
| Mr. Burdick      | Mr. Knapp        | Mr. Speaker         |
| Mr. Bush         | Mr. D. Lee       | Mr. Spring          |
| Mr. Cameron      | Mr. T. R. Lee    | Mr. J. Stevenson    |
| Mr. Carpenter    | Mr. Litchfield   | Mr. R. L. Stevenson |
| Mr. Casner       | Mr. Long         | Mr. Strobbridge     |
| Mr. Chase        | Mr. M'Carthy     | Mr. Sweeney         |
| Mr. Coe          | Mr. M'Donald     | Mr. Tefft           |
| Mr. Comstock     | Mr. M'Key        | Mr. Thayer          |
| Mr. C. F. Crosby | Mr. M'Vean       | Mr. Thompson        |
| Mr. Culver       | Mr. Mann         | Mr. Titus           |
| Mr. Danforth     | Mr. Mersereau    | Mr. Van Schoonhoven |
| Mr. Dickson      | Mr. C. B. Miller | Mr. Wells           |
| Mr. Edwards      | Mr. S. Miller    | Mr. White           |
| Mr. Fellows      | Mr. Morris       | Mr. Whitney         |
| Mr. Field        | Mr. Morrison     | Mr. Worden          |
| Mr. Fonda        | Mr. Moulton      | Mr. A. W. Young     |
| Mr. Frisbee      | Mr. Newkirk      | Mr. J. Young        |
| Mr. Garretson    |                  |                     |

*Ordered*, That the Clerk return the said bill and amendment to the Senate, and inform them that the Assembly have concurred with them in the said amendment, and amended the bill accordingly.

A message from the Senate, with the bill therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act to extend the acts to promote agriculture," with the amendment thereto therewith delivered.

The said amendment having been read,

Mr. D. Lee moved that the House do concur in the same.

Mr. Speaker then put the question whether the House would agree said motion of Mr. D. Lee, and it was determined in the affirmative.

*Ordered*, That the Clerk return the said bill and amendment to the Senate, and inform them that the Assembly have concurred with them in the said amendment, and amended the bill accordingly.

A message from the Senate, with the bill therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act to amend an act in relation to State prisons, passed May 1st, 1844," with the amendments thereto therewith delivered.

The said amendments having been read,

Mr. Huntington moved that the House do concur in the same.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Huntington, and it was determined in the affirmative.

*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred in the said amendments, and amended the bill accordingly.

A message from the Senate, with the bill therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act to incorporate the Wandowenock fire, hook and ladder company," with the amendments thereto therewith delivered.

The said amendments having been read,

Mr. Jones moved that the House do concur in the same.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Jones, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 105 }  
{ NAYS 00 }

Those who voted in the affirmative are

Mr. Bachman  
Mr. Bagg  
Mr. Barber  
Mr. Betts  
Mr. Bevens  
Mr. Billings  
Mr. Blake  
Mr. Bloss  
Mr. Boughton

Mr. Giffard  
Mr. D. Gould  
Mr. G. Goold  
Mr. Gregory  
Mr. Hall  
Mr. Hammond  
Mr. Hannum  
Mr. Harden  
Mr. Harris

Mr. Niven  
Mr. Oakley  
Mr. Pardee  
Mr. Pierce  
Mr. Porter  
Mr. Preston  
Mr. Raymond  
Mr. Rice  
Mr. Rogers

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bowen        | Mr. Hazelton     | Mr. Ross            |
| Mr. J. Brooks    | Mr. Heermans     | Mr. Sager           |
| Mr. M. Brooks    | Mr. Hervey       | Mr. Salisbury       |
| Mr. Brower       | Mr. Hine         | Mr. Searing         |
| Mr. L. H. Brown  | Mr. Horton       | Mr. Skelton         |
| Mr. S. A. Brown  | Mr. Howard       | Mr. A. C. Smith     |
| Mr. A. H. Buell  | Mr. Huntington   | Mr. W. Smith        |
| Mr. Bunker       | Mr. Johnson      | Mr. Speaker         |
| Mr. Burdick      | Mr. Jones        | Mr. Spring          |
| Mr. Bush         | Mr. Kinne        | Mr. J. Stevenson    |
| Mr. Cameron      | Mr. Knapp        | Mr. R. L. Stevenson |
| Mr. Casner       | Mr. D. Lee       | Mr. Strobbridge     |
| Mr. Chase        | Mr. T. R. Lee    | Mr. Sweeney         |
| Mr. Coe          | Mr. Litchfield   | Mr. Tefft           |
| Mr. Comstock     | Mr. Long         | Mr. Thayer          |
| Mr. C. F. Crosby | Mr. M'Carthy     | Mr. Thompson        |
| Mr. Culver       | Mr. M'Donald     | Mr. Tibbits         |
| Mr. Danforth     | Mr. M'Key        | Mr. Titus           |
| Mr. Dewey        | Mr. M'Vean       | Mr. Van Schoonhoven |
| Mr. Dickson      | Mr. Mann         | Mr. Van Valkenburgh |
| Mr. Edwards      | Mr. Mersereau    | Mr. Walrath         |
| Mr. Fellows      | Mr. C. B. Miller | Mr. Wells           |
| Mr. Field        | Mr. S. Miller    | Mr. White           |
| Mr. Fonda        | Mr. Morris       | Mr. Whitney         |
| Mr. Frisbee      | Mr. Morrison     | Mr. A. W. Young     |
| Mr. Garretson    | Mr. Newkirk      | Mr. J. Young 105    |

*Ordered,* That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred in the said amendments, and amended the bill accordingly.

The House then proceeded to the consideration of the amendments of the Senate to the bill entitled "An act for the relief of the New-York Institution for the Blind."

The said amendments having been read,

Mr. Thompson moved that the House do concur in the same.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Thompson, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 105 }  
{ NAYS 00 }

Those who voted in the affirmative are

|              |              |             |
|--------------|--------------|-------------|
| Mr. Bachman  | Mr. Hammond  | Mr. Porter  |
| Mr. Bagg     | Mr. Hannum   | Mr. Preston |
| Mr. Barber   | Mr. Harden   | Mr. Raymond |
| Mr. Betts    | Mr. Harris   | Mr. Rice    |
| Mr. Bevens   | Mr. Hazelton | Mr. Rogers  |
| Mr. Billings | Mr. Heermans | Mr. Ross    |

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Blake       | Mr. Hervey       | Mr. Russell         |
| Mr. Bloss       | Mr. Hine         | Mr. Sager           |
| Mr. Boughton    | Mr. Horton       | Mr. Salisbury       |
| Mr. Bowen       | Mr. Howard       | Mr. Scaring         |
| Mr. J. Brooks   | Mr. Huntington   | Mr. Sherman         |
| Mr. M. Brooks   | Mr. Johnson      | Mr. Skelton         |
| Mr. Brower      | Mr. Jones        | Mr. A. C. Smith     |
| Mr. L. H. Brown | Mr. Kinne        | Mr. W. Smith        |
| Mr. S. A. Brown | Mr. Knapp        | Mr. Speaker         |
| Mr. A. H. Buell | Mr. D. Lee       | Mr. Spring          |
| Mr. Bunker      | Mr. T. R. Lee    | Mr. J. Stevenson    |
| Mr. Burdick     | Mr. Litchfield   | Mr. R. L. Stevenson |
| Mr. Bush        | Mr. Long         | Mr. Strobridge      |
| Mr. Cameron     | Mr. M'Carthy     | Mr. Sweeney         |
| Mr. Casner      | Mr. M'Donald     | Mr. Tefst           |
| Mr. Chase       | Mr. M'Key        | Mr. Thayer          |
| Mr. Comstock    | Mr. M'Vean       | Mr. Thompson        |
| Mr. Culver      | Mr. Mann         | Mr. Tibbits         |
| Mr. Dewey       | Mr. Mersereau    | Mr. Titus           |
| Mr. Dickson     | Mr. C. B. Miller | Mr. Van Schoonhoven |
| Mr. Edwards     | Mr. S. Miller    | Mr. Van Valkenburgh |
| Mr. Fellows     | Mr. Morris       | Mr. Walrath         |
| Mr. Field       | Mr. Morrison     | Mr. Wells           |
| Mr. Fonda       | Mr. Moulton      | Mr. White           |
| Mr. Garretson   | Mr. Newkirk      | Mr. Whitney         |
| Mr. Giffard     | Mr. Niven        | Mr. Worden          |
| Mr. G. Goold    | Mr. Oakley       | Mr. A. W. Young     |
| Mr. Gregory     | Mr. Pardee       | Mr. J. Young        |
| Mr. Hall        | Mr. Pierce       |                     |

*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred in the said amendments, and amended the bill accordingly.

A resolution of the Senate was received and read, in the words following, to wit :

*Resolved*, That a respectful message be sent to the Assembly, requesting them to return to the Senate the petition and papers transmitted to them with the bill entitled "An act to incorporate the Delaware Turnpike Company."

On motion of Mr. D. Lee,

*Resolved*, That the bill entitled "An act to construct a bridge over Buffalo creek on the Abbot's road in the county of Erie," be taken from the general orders, and referred to the committee on roads and bridges, to report complete.

A message from the Senate, with the bills therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act to incorporate the village of Dansville;" the bill entitled "An act to incorporate the Prattsville and Gilboa Turnpike Company;" the bill entitled "An act to amend an act relating to district schools in the city of Albany, passed April 8th, 1844;" the bill entitled "An act to



amend an act entitled "An act to improve the inlet of Cayuga lake ;" the bill entitled "An act for the better security of mechanics and others erecting buildings and furnishing materials therefor in the town of Kingston in the county of Ulster ;" the bill entitled "An act relative to the State Library ;" the bill entitled "An act to provide for building a fire proof clerk's office and surrogate's office in the county of Ulster ;" the bill entitled "An act to amend an act entitled 'An act to incorporate the Firemen's Benevolent Association of Rochester,' passed April 13, 1837 ;" and the bill entitled "An act to incorporate the Greenbush Cemetery Association," and request the concurrence of the Assembly in the same.

The said bills were severally read the first time, and by unanimous consent were also read a second time, and the bill entitled "An act to incorporate the village of Dansville," was referred to the committee on the incorporation of cities and villages ; the bill entitled "An act to incorporate the Prattsville and Gilboa Turnpike Company," was referred to the committee on roads and bridges ; the bill entitled "An act to amend an act relating to district schools of the city of Albany, passed April 8th, 1844," was referred to the committee on colleges, academies and common schools ; the bill entitled "An act to amend an act entitled 'An act to improve the inlet of Cayuga lake,'" on motion of Mr. S. Miller, was ordered to a third reading ; the bill entitled "An act for the better security of mechanics and others erecting buildings and furnishing materials therefor in the town of Kingston in the county of Ulster," was referred to a select committee, consisting of the members attending this house from the county of Ulster ; the bill entitled "An act relative to the State Library," on motion of Mr. T. R. Lee, was referred to the joint library committee ; the bill entitled "An act to provide for building a fire proof clerk's office and surrogate's office in the county of Ulster," on motion of Mr. Hine, was ordered to a third reading ; the bill entitled "An act to amend an act entitled 'An act to incorporate the Firemen's Benevolent Association of Rochester,' passed April 13th, 1837," and the bill entitled "An act to incorporate the Greenbush Cemetery Association," were referred to the committee on charitable and religious societies.

A message from the Senate, with the bill therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act to amend an act entitled 'An act to incorporate the Oneonta and Franklin Turnpike Company,' passed April 13th, 1835," without amendment.

*Ordered,* That the Clerk deliver the said bill to the Governor.

By unanimous consent,

Mr. Comstock offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved,* That the bill entitled "An act to sanction the regulation of the mayor and common council of the city of New-York," on the general orders, be ordered to a third reading.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

On motion of Mr. C. F. Crosby,

The House then adjourned to ten o'clock to-morrow morning.

## FRIDAY, APRIL 11, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Wilkins.

The minutes of yesterday were read and approved.

The petition of James Brown and others of the city of New-York, praying for the passage of a law obliging steam vessels conveying passengers to carry a sufficient number of boats to ensure the safety of all passengers in case of accident, was read, and referred to the committee on the judiciary.

Three several remonstrances of sundry inhabitants of the county of Schoharie, against any division of the town of Schoharie in said county, were read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the city of Utica, praying for the appointment of one supervisor to each ward of said city, was read, and referred to the committee of the whole when on the bill upon that subject.

Twenty several petitions of sundry inhabitants of the city of New-York, praying for the passage of a law authorising the erection of a bridge across the Hudson river at the city of Albany, were read, and referred to the committee of the whole when on the bill upon that subject.

Sixteen several remonstrances of sundry inhabitants of the counties of New-York and Dutchess, against the erection of a bridge across the Hudson river at the city of Albany, were read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of the trustees of the Montgomery Academy, against any alteration of their charter, was read, and referred to the committee on colleges, academies and common schools.

The petition of sundry inhabitants of the county of Dutchess, praying for the incorporation of a fire company in the village of Mattewan in said county, was read, and referred to the committee on the internal affairs of towns and counties.

The remonstrance of the supervisors of the county of Richmond, against the passage of a law charging the expenses of the trial of Polly Bodine to said county, was read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the county of Onondaga, praying for the construction of the Black River canal, was read, and referred to the committee on canals.

The petition of sundry inhabitants of the city of New-York, praying for the incorporation of the Union Mutual Life Insurance Company, was read, and referred to the committee on banks and insurance companies.

The petition of sundry inhabitants of the town of Hope in the county of Hamilton, praying for a repeal of the act appointing an extra commissioner of highways in said town, was read, and referred to the committee on the internal affairs of towns and counties.

The petition of sundry inhabitants of the town of Attica in the county of Wyoming, praying for a discrimination of tolls on the Erie canal, was read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Wayne, praying for the establishment of a more just and equitable mode of taxation, was read, and referred to the committee of the whole when on the bill upon that subject.

The petition of the board of education of the village of Poughkeepsie in the county of Dutchess, praying for the passage of an act to compel the trustees of the Lancaster school of said village to account for the public school monies in their hands, was read, and referred to the committee on colleges, academies and common schools.

Two several remonstrances of sundry inhabitants of the counties of Oneida and Rensselaer, against the incorporation of the American and Foreign Bible Society, were read, and ordered to be laid on the table.

Two several petitions of sundry inhabitants of the counties of Warren and Ontario, praying for the incorporation of the American and Foreign Bible Society, were read, and ordered to be laid on the table.

Mr. Hine, from the committee on roads and bridges, to which was referred the bill entitled "An act authorising Jackson Townsend of Hydepark, and Edwin A. Johnson of Esopus, to establish a ferry from Hydepark in the county of Dutchess, across the Hudson river, to the town of Esopus in Ulster county," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

By unanimous consent,

Mr. Hine, from the select committee to which was referred the bill from the Senate, entitled "An act for the better security of mechanics and others erecting buildings and furnishing materials therefor in the town of Kingston in the county of Ulster," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

On motion of Mr. Hine,

*Ordered*, That the said bill do have its third reading.

Mr. Bevens, from the committee on state prisons, to which was referred so much of the message of the Governor as relates to the State prisons, reported, and asked leave to bring in a bill.

Leave being granted, Mr. Bevens accordingly brought in the said bill, entitled "An act relative to the State Prison at Auburn;" which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. D. Gould,

*Ordered*, That said bill be referred to the committee of the whole having charge of the bill entitled "An act to annex a part of the town of Busti to the town of Ellicott."



Mr. Bevens, from the committee on state prisons, to which was referred so much of the message of the Governor as relates to the State prisons, reported, and asked leave to bring in a bill.

Leave being granted, Mr. Bevens accordingly brought in the said bill, entitled "An act relative to the State Prison at Mountpleasant;" which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. Bevens,

*Ordered*, That said bill be referred to the committee of the whole having charge of the bill entitled "An act to annex a part of the town of Busti to the town of Ellicott."

Mr. Garretson, from the committee on charitable and religious societies, to which was referred the petition of the trustees of the First Presbyterian Society of the town of Dansville in the county of Steuben, for authority to sell real estate, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Garretson accordingly brought in the said bill, entitled "An act to authorise the trustees of the Presbyterian Church in Dansville to sell real estate;" which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. Garretson,

*Ordered*, That the said bill do have its third reading.

Mr. Oakley, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act for the relief of Orrin Tyler and others;" the bill entitled "An act for the equal distribution of the Literature fund;" and the bill entitled "An act to amend the act entitled 'An act to authorise the construction of a timber, plank or hard road from Salina in the county of Onondaga, to Central-square in the county of Oswego,' passed April 12th, 1844," and found the same severally correctly engrossed.

*Ordered*, That the said bills do have their third reading.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the petition of sundry inhabitants of the town of Victor in the county of Ontario, for the passage of a law to authorise the erection of a town-house in said town, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Chase accordingly brought in the said bill, entitled "An act to authorise the board of supervisors of the county of Ontario to raise money in the town of Victor, for the purpose of building a town-house;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the petition of sundry inhabitants of the town of Naples in the county of Ontario, for the incorporation of a cemetery association, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Chase accordingly brought in the said bill, entitled "An act incorporating certain inhabitants of Naples, Ontario county, for the purpose of purchasing land for a cemetery;" which was



read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the petition of sundry inhabitants of the village of Syracuse in the county of Onondaga, for the passage of an act authorising a loan to build a town-house and market in said village, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Chase accordingly brought in the said bill, entitled "An act relative to the village of Syracuse;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the petition of sundry inhabitants of the town of Caroga in the county of Fulton, for a repeal of the act appointing an extra commissioner of highways in said town, reported unfavorably to the prayer of the petitioners, and offered the following resolution, to wit :

*Resolved*, That the committee on the internal affairs of towns and counties be discharged from the further consideration of the petition for a repeal of the act appointing an extra commissioner of highways in the town of Caroga in the county of Fulton.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Bloss, from the committee on charitable and religious societies, to which was referred the bill from the Senate, entitled "An act to amend an act entitled 'An act to incorporate the Firemen's Benevolent Association of Rochester,' passed April 13th, 1837," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Constant, from the joint library committee, to which was referred the bill from the Senate, entitled "An act relative to the State Library," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Comstock, from the committee on the judiciary, to which was referred the bill entitled "An act relative to purchasers at receiver's sales," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

On motion of Mr. Comstock,

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Thompson, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to amend an act to incorporate the trustees of the Black River Annual Conference, passed April 17th, 1841," with instructions to report the same complete, reported, that the committee had examined the said bill, and made sundry amendments thereto, and saw no reason why the said amended bill should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Hammond, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to change the location of Washington Park in the city of Brooklyn," and the bill entitled "An act to incorporate the village of Canton," and found the same severally correctly engrossed.

*Ordered*, That the said bills do have their third reading.

Mr. Bowen, from the committee on state prisons, to which was referred the petitions of sundry inhabitants of the counties of Cayuga and Monroe, praying for the construction of a plank road by the State from Albany to Buffalo, reported unfavorably to the prayer of the petitioners, and offered the following resolution, to wit :

*Resolved*, That the committee on state prisons be discharged from the further consideration of the petition for the construction of a plank road, by means of convict labor, from the city of Albany to the city of Buffalo.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

On motion of Mr. Teffi,

*Resolved*, That the report made by the committee on the internal affairs of towns and counties, in relation to fishing with nets in the waters of the Nine-mile creek in the county of Onondaga, be recommitted to the same committee, with instructions to report by bill complete.

The engrossed bill entitled "An act to amend the Revised Statutes, relative to procuring abortions," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

By unanimous consent,

Mr. Bloss, from the select committee to which was referred the several bills relating to the city of Rochester, with instructions to report the same complete, reported, that the committee had examined the bill entitled "An act to amend an act entitled 'An act to consolidate and amend the act to incorporate the city of Rochester,' passed April 11th, 1844 ;" the bill entitled "An act relating to school district number two in the city of Rochester ;" the bill entitled "An act to incorporate the Roman Catholic Orphan Asylum Society of the city of Rochester," and the bill entitled "An act to amend the charter of the city of Rochester," and saw no reason why the same should not be severally passed into laws.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bills be engrossed for a third reading.

The engrossed bill entitled "An act concerning the district attorney of Greene county," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

On motion of Mr. Walrath,

*Resolved*, That the bill entitled "An act for the laying out of a highway along the Chenango canal, from the Cherryvalley turnpike to the Oriskany falls," be taken from the general orders, and referred to the committee having in charge the bill entitled "An act to annex a part of the town of Busti to the town of Ellicott."

Mr. R. L. Stevenson offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill entitled "An act authorising the appraisers to assess the damages, if any, which John Watkins has sustained by reason of raising the State dam on Seneca river," be referred to the committee of the whole when having under consideration the bill entitled "An act for the relief of George Gardner and others."

Mr. Coe moved to lay the said resolution on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Coe, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

On motion of Mr. Tafft,

*Resolved*, That the bill entitled "An act authorising the Hamilton and Skaneateles Turnpike Company to abandon a part of their road," be recommitted to the committee on roads and bridges, to report the same complete.

On motion of Mr. Edwards,

*Resolved*, That the bill entitled "An act for the relief of Isaac I. Yates," be taken from the general orders, and referred to the committee of the whole having in charge the bill entitled "An act to change the name of Edwin Lucian Cady."

On motion of Mr. Jones,

*Resolved*, That the bill entitled "An act to amend an act entitled 'An act to incorporate the Long Island Railroad Company,' and the bill entitled 'An act to amend an act entitled 'An act incorporating the Long Island Railroad Company,' passed April 24th, 1834,'" be taken from the general orders, and referred to a select committee, consisting of the members attending this house from the counties of Suffolk and Queens, to report complete.

On motion of Mr. Comstock,

*Resolved*, That the bill entitled "An act to authorise the reference of certain actions at law," be taken from the general orders, and referred to the committee on the judiciary, with instructions to report the same complete.

Mr. Morris offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That ten times the usual number of copies of the report of the Attorney General, on the subject of the New-York and Erie railroad, be ordered to be printed.

On motion of Mr. Niven,

*Ordered*, That the said resolution be referred to the committee on the public printing.

On motion of Mr. Bevens,

*Resolved*, That the bill entitled "An act for the relief of John Sanford and William Eggleston," be referred to the committee of the whole when on the bill entitled "An act to change the name of Benjamin Elijah Hinman."

On motion of Mr. Barber,

*Resolved*, That the bill entitled "An act to provide for the improving and keeping in repair of a road through the Onondaga Indian reservation," be taken from the general orders, and ordered to be engrossed for a third reading.

On motion of Mr. Constant,

*Resolved*, That the bill entitled "An act to incorporate the United States Curvilinear Sawing Company," be taken from the general orders, and be referred to the committee on trade and manufactures, to be reported complete.

On motion of Mr. Fonda,

*Resolved*, That the bill entitled "An act to incorporate the Fonda Academy," and the bill entitled "An act for the relief of Daniel Conynne," be taken from the general orders, and be referred to a select committee to report complete.

On motion of Mr. Niven,

*Resolved*, That the bill entitled "An act to authorise the establishment of savings banks," be referred to the committee of the whole having charge of the bill entitled "An act to extend the charter of the West-Point Foundry Association."

On motion of Mr. Thayer,

*Resolved*, That the bill entitled "An act to amend an act to incorporate the Rensselaer Oswego Academy, passed April 13th, 1826," be taken from the general orders, and referred to the committee on colleges, academies and common schools, to report complete.

On motion of Mr. Wilcox,

*Resolved*, That the bill entitled "An act to amend the charter of the village of Waterford," be referred to the committee on the internal affairs of towns and counties, with instructions to report complete.

Mr. Moulton offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill entitled "An act to provide a seal for the court of oyer and terminer and general sessions of the peace in and for the city and county of New-York," be taken from the general orders, and referred back to the committee on the judiciary, with instructions to report the same complete.

Mr. Wheeler moved to amend the said resolution, so as to order the said bill to a third reading.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Wheeler, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to the said resolution, as amended, and it was determined in the affirmative.

On motion of Mr. C. F. Crosby,

*Resolved*, That the bill entitled "An act to amend an act to incorpo-



rate the Albany Medical College," be taken from the general orders, and referred to a select committee, consisting of the members attending this house from the county of Albany, to report complete.

Mr. T. R. Lee offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill entitled "An act to extend the jurisdiction of the circuit judge of the first circuit, in hearing non-enumerated motions;" and the bill entitled "An act concerning attachments against absconding, concealed and non-resident debtors," be transferred so as to follow the first bill now on the general orders.

Mr. Hannum moved to lay the said resolution on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Hannum, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

On motion of Mr. Blake,

*Resolved*, That the bill entitled "An act to incorporate the Hebrew Mutual Benefit Society in the city of New-York," be referred to the committee on the incorporation of charitable and religious societies, to report complete.

Mr. Whitney offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill entitled "An act to authorise the supervisors of the several counties in the State to abolish or not, at their discretion, the office of county superintendent of common schools, and for other purposes," be made the special order for Wednesday next.

Mr. Oakley moved to lay the said resolution on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Oakley, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Chase offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill entitled "An act to authorise the election of one supervisor for each of the wards of the city of Utica," be referred to the committee of the whole when on the bill entitled "An act to confirm the official acts of Samuel K. Wolcott as justice of the peace."

Mr. Raymond moved to lay the said resolution on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Raymond, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Tefft offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill entitled "An act to aid the College of Physicians and Surgeons in the city of New-York," be taken from the general orders, and referred to the committee of the whole having in charge the bill entitled "An act to extend the charter of the West-Point Foundry Association."

Mr. Coe moved to lay the said resolution on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Coe, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Thompson offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill from the Senate, entitled "An act in relation to the Capitol ;" and the bill from the Senate, entitled "An act in relation to the State Library," be referred to the committee of the whole having charge of the bill entitled "An act to provide for the removal of cases decided by the Canal Board, to the Supreme Court, by certiorari."

Mr. Raymond moved to lay the said resolution on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Raymond, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

On motion of Mr. A. C. Smith,

*Resolved*, That the bill entitled "An act to erect the town of Union in the county of Steuben," be taken from the general orders, and ordered to be engrossed for a third reading.

On motion of Mr. M. Brooks,

*Resolved*, That the bill entitled "An act authorising the Seneca Turnpike Company to discontinue their road west of Geneva," be referred to a select committee to report complete.

Mr. Kinne offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill entitled "An act for the relief of Patrick Cooney," be referred to the committee of the whole having in charge the first bill on the general orders.

Mr. Hannum moved to lay the said resolution on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Hannum, and it was determined in the affirmative.

Mr. S. A. Brown gave notice that he would ask for leave to introduce a bill authorising the appointment of a supreme court commissioner to reside at Mayville in the county of Chautauque.

On motion of Mr. Bowen,

*Resolved*, That the bill entitled "An act to amend an act entitled 'An act to incorporate the village of Lockport,' passed March 26th, 1829," be taken from the general orders, and engrossed for a third reading.

On motion of Mr. Bunker,

*Resolved*, That the bill entitled "An act to incorporate the Spencer-town Academey," be taken from the general orders, and referred back to the committee on colleges, academies and cammon schools, to report complete.

On motion of Mr. Boughton,

*Resolved*, That the bill entitled "An act for the relief of Marcus Brown," be made a special order for next Friday.

Mr. Hannum moved to pass over the order of business of "Motions, resolutions and notices."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Hannum, and it was determined in the negative.

On motion of Mr. Danforth,

*Resolved*, That the bill entitled "An act for the relief of Anthony T. Badgley and Andrew Bigham," be referred to the committee of the whole when on the bill entitled "An act for the relief of Patrick Fitzsimmons and James Brady."

On motion of Mr. Coe,

*Resolved*, That the bill entitled "An act to authorise the canal commissioners to lease certain surplus waters of the Erie canal to Roderick Price," be referred to the committee of the whole when on the first bills on the general orders.

On motion of Mr. Morrison,

*Resolved*, That the bill entitled "An act for ascertaining by proper proofs the citizens who shall be entitled to the right of suffrage in the city and county of New-York," be referred to the committee of the whole when on the bill entitled "An act for the relief of Patrick Fitzsimmons and James Brady."

Mr. Van Schoonhoven offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That all bills against which there are no remonstrances, and not appropriating the public monies, or required by the fourth rule of the house to go to committee of the whole, be taken from the general orders, and referred to the standing committees which reported the same, to report complete.

*Ordered*, That the said resolution be laid on the table.

On motion of Mr. Van Schoonhoven,

*Resolved*, That the bill entitled "An act to amend an act passed May 7th, 1844, for the better security of mechanics and builders," be taken from the general orders, and referred to the standing committee which reported the bill to the house, to reconsider the same and report complete.

On motion of Mr. J. Young,

*Resolved*, That the bill entitled "An act to amend an act entitled 'An for the relief of Ira Pearsons and Ira Pearsons junior,' passed March 23d, 1844," be referred to the committee of the whole having charge of the bill entitled "An act to authorise the canal commissioners to lease certain surplus waters of the Erie canal to Roderick Price."

On motion of Mr. Titus,

*Resolved*, That the bill entitled "An act to amend the charter of the Herkimer Manufacturing and Hydraulic Company," be taken from the general orders, and be referred to the committee on trade and manufactures, to be reported complete.

On motion of Mr. Skelton,

*Resolved*, That the bill entitled "An act for the relief of Asenath Mongan, the widow of John Foomhalt, an alien, and for other purposes ;" and the bill entitled "An act for the relief of the heirs at law of James Martin," be taken from the general orders, and referred to the committee of the whole having charge of the bill entitled "An act to confirm the official acts of Philip Lazell, a justice of the peace."

Mr. Chase moved that the House proceed to the consideration of the resolution offered by him on a preceding day, in the words following :

*Resolved*, That the bill entitled "An act to divide the town of Chenango," be taken from the general orders, and referred back to the committee on the erection and division of towns and counties, with instructions to report complete.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Chase, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

The hour of twelve o'clock at noon having arrived,

The Chair announced the special order of the House, being the consideration of the bill entitled "An act recommending a Convention of the People of this State."

Mr. J. Young moved to suspend the said special order for half an hour.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. J. Young, and it was determined in the affirmative.

Mr. Oakley offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill entitled "An act authorising the New-York and Newhaven Railroad Company to extend their railroad into the State of New-York," be referred to the committee on railroads, to report complete.

Mr. Niven moved to lay the said resolution on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Niven, and it was determined in the affirmative.

On motion of Mr. Harris,

*Resolved*, That the bill entitled "An act to incorporate the Fire Engine Company at East-Albany," be referred to the committee on the internal affairs of towns and counties, to report complete.

Mr. Harris gave notice that he would, at an early day, ask leave to introduce a bill in relation to the court of general sessions of the city and county of Albany.

Mr. Searing gave notice that he would, on some future day, ask leave to introduce a bill to reduce costs and fees in the Court of Chancery, and for other purposes : Also a bill to facilitate the administration of justice.

Mr. M'Carthy moved that the House proceed to the consideration of the resolution heretofore offered by him, in the words following, to wit :

*Resolved*, That the bill entitled "An act reducing the rate of interest of money," be made a special order for Tuesday afternoon next, at four o'clock.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. M'Carthy, and it was determined in the affirmative.

Mr. M'Carthy moved to amend the said resolution, so as to make the bill a special order on Thursday next.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. M'Carthy, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree



to the said resolution, as amended, and it was determined in the affirmative.

On motion of Mr. Preston,

*Resolved*, That the bill entitled "An act for the relief of Mary Murray and others," be referred to the committee having in charge the bill for the relief of John Watkins.

Mr. Walrath offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill from the Senate, entitled "An act to erect the town of Gilboa," be taken from the table, and read a third time.

Mr. Hannum moved to lay the said resolution on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Hannum, and it was determined in the affirmative.

On motion of Mr. Fonda,

*Resolved*, That the bill entitled "An act to increase the members of Fire Company No. 2 in the village of South-Middletown," be referred to the committee on the internal affairs of towns and counties, to report complete.

On motion of Mr. Cameron,

*Resolved*, That the bill entitled "An act to increase the number of firemen in the village of Glensfalls, be referred to the committee on the internal affairs of towns and counties, to report complete.

On motion of Mr. Morris,

*Resolved*, That the bill entitled "An act for draining the Bashaskill swamp," be taken from the general orders, and referred to the committee on the internal affairs of towns and counties, to report complete.

On motion of Mr. Casner,

*Resolved*, That the bill entitled "An act for the relief of the heirs of Thomas Mott, a revolutionary soldier," be taken from the general orders, and referred to the committee of the whole when on the bill entitled "An act to amend the charter of the Herkimer Hydraulic Company."

On motion of Mr. M'Key,

*Resolved*, That the bill entitled "An act for the relief of George Gardner and others," be taken from the general orders, and referred to the committee of the whole when on the second bill next in order on the general orders.

On motion of Mr. M'Carthy,

*Resolved*, That the bill entitled "An act to incorporate the trustees and associates of the Brooklyn Benevolent Society," be engrossed for a third reading.

Mr. Thompson gave notice that he would, at an early day, ask leave to introduce a bill to provide for the recording of mortgages of personal property in certain cases.

On motion of Mr. Horton,

*Resolved*, That the bill entitled "An act relative to the superintendents of the poor in the county of Schenectady," and the bill entitled "An act relative to collector's fees in the town of Glenville in the county of Schenectady, and for other purposes," be taken from the general orders, and referred to the committee on the internal affairs of towns and counties, to report complete.

On motion of Mr. Coe,

*Resolved*, That the Clerk make a copy of the general and special orders, and cause the same to be printed.

On motion of Mr. Brower,

*Resolved*, That the bill entitled "An act in relation to costs upon trials before courts of special sessions," be taken from the general orders, and referred to the committee having in charge the bill entitled "An act to confirm the official acts of Samuel K. Wolcott as a justice of the peace."

On motion of Mr. Wheeler,

*Resolved*, That the bill entitled "An act to incorporate the Domestic and Foreign Missionary Society of the Protestant Episcopal Church of the United States of America," and the bill entitled "An act to incorporate the trustees for the management and support of the Episcopate of the Diocese of New-York," be referred to a select committee to report complete.

On motion of Mr. Niven,

*Resolved*, That the bill entitled "An act to amend an act entitled 'An act respecting elections,' passed April 5th, 1842," be referred to the committee of the whole having in charge the bill entitled "An act to extend for a limited period the charter of the Commercial Bank of Albany, and to amend the same."

On motion of Mr. Hammond,

*Resolved*, That the bill entitled "An act to increase the fees of the collector of the town of St. Armand in the county of Essex," be taken from the general orders, and engrossed for a third reading.

On motion of Mr. Blake,

*Resolved*, That the bill entitled "An act for the relief of the devisee of William Vyse, late of the city of New-York, deceased," be referred to the committee of the whole having charge of the bill entitled "An act for the relief of Isaac I. Yates and Joseph Vanderbogart."

Mr. A. H. Buell offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill entitled "An act in relation to the Fairfield Medical College," be taken from the general orders, and referred to the committee of the whole having in charge the first bill to which no more than two bills have already been referred.

Mr. Raymond moved to lay the said resolution on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Raymond, and it was determined in the affirmative.

On motion of Mr. White,

*Resolved*, That the bill entitled "An act to punish the unlawful cutting and carrying away of timber," be taken from the general orders, and referred to the committee on the judiciary, to report complete.

On motion of Mr. Comstock,

*Resolved*, That hereafter, motions, resolutions and notices, shall only be in order on Friday of each week.

The Chair announced the special order of the House, being the consideration of the bill entitled "An act recommending a Convention of the People of this State."

Whereupon,

The House resolved itself into a committee of the whole, on the said bill; and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Bevens, from the said committee, reported progress, and asked for and obtained leave to sit again.

Mr. Harris moved that the House proceed, at half past three o'clock this afternoon, to the consideration of the bill entitled "An act authorising the construction of a bridge across Hudson's river at the city of Albany."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Harris, and it was determined in the affirmative.

A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
Albany, April 11, 1845. }

TO THE ASSEMBLY.

I have this day approved and signed the bill entitled "An act to amend an act entitled 'An act to incorporate the Oneonta and Franklin Turnpike Company,' passed April 13th, 1835."

Also the bill entitled "An act relative to levying a tax on dogs in the county of Queens."

Also the bill entitled "An act to amend the act passed May 6th, 1837, and entitled 'An act to amend the act incorporating the village of Geneva'"

Also the bill entitled "An act to confirm the official acts of Jonathan Lay, a justice of the peace."

Also the bill entitled "An act to confirm the official acts of Ashbel Palmer, a justice of the peace."

SILAS WRIGHT.

The annual report of the Canal Bank of Albany, relative to unclaimed dividends and deposits, was received, read, and ordered to be printed and laid on the table.

[See Document No. 220.]

The bill entitled "An act to amend an act entitled 'An act to incorporate the Washington Volunteer Fire Company in the village of Troy;'" the bill entitled "An act for the relief of the New-York Institution for the Blind," and the bill entitled "An act to extend the acts to promote agriculture," were returned from the Senate.

*Ordered,* That the Clerk deliver the said bills to the Governor.

A message from the Senate, with the bill therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act relative to the expenses incurred in enforcing the laws and preserving order in the counties of Delaware and Ulster," and request the concurrence of the Assembly in the same.

The said bill was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

*Ordered*, That Mr. Garretson have leave of absence for fourteen days from Monday next, Mr. Collins for four days, and Mr. Wyckoff for three days.

The hour of half past one o'clock having arrived,

The House took a recess until half past three o'clock this afternoon.

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### HALF PAST THREE O'CLOCK P. M.

The House again met.

Mr. Chase moved a reconsideration of the vote on the final passage of the bill entitled "An act for the relief of James Spraker," and that the question on the said motion be laid on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Chase, and it was determined in the affirmative.

On motion of Mr. Bush, by unanimous consent,

The House then proceeded to the consideration of the resolution heretofore offered by him, in the words following, to wit :

*Resolved*, That the select committee to which was referred the bills in relation to the militia, be instructed to report a bill abolishing the whole militia system of this State, so far as this can be done without infringing upon the constitutional rights of Congress.

On motion of Mr. M. Brooks,

*Ordered*, That the said resolution be laid on the table.

The House then again resolved itself into a committee of the whole, on the bill entitled "An act authorising the construction of a bridge across Hudson's river at the city of Albany," and on the bill entitled "An act to promote the education and moral improvement of minors engaged in the business of navigating the canals of this State;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Comstock, from the said committee, reported progress on the bill entitled "An act authorising the construction of a bridge across Hudson's river at the city of Albany," and asked for and obtained leave to sit again.

Mr. Comstock, from the same committee, reported, that the committee had gone through the bill entitled "An act to promote the education and moral improvement of minors employed in the business of navigating the canals of this State," and agreed to the same without amendment; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. Hammond, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to amend an act entitled 'An act to lay out a road from Newkirk's mills in the county of Fulton, to Piseco village in the county of Hamilton,' passed April 27, 1841," and found the same correctly engrossed.

*Ordered*, That the said bill do have its third reading.

On motion of Mr. Bevens,

The House then adjourned to ten o'clock to-morrow morning.



## SATURDAY, APRIL 12, 1845.

The House met pursuant to adjournment.

The minutes of yesterday were read and approved.

The petition of a number of the aldermen and assistant aldermen elect of the city of New-York, praying for an amendment of the law passed at the last session of the Legislature, relative to the police of said city, was read, and referred to the committee on the judiciary.

The petition of one hundred and ninety-six inhabitants of the county of Niagara, praying for the abolition of capital punishment, was read, and referred to the select committee on that subject.

The petition of sundry inhabitants of the county of Herkimer, praying for the construction of a plank road from Buffalo to Albany, was read, and ordered to be laid on the table.

Two several remonstrances of sundry inhabitants of the county of Saratoga, against the erection of a bridge across the Hudson river at the city of Albany, were read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of sundry inhabitants of the village of Waterford in the county of Saratoga, against the incorporation of the American and Foreign Bible Society, was read, and ordered to be laid upon the table.

The resolutions of sundry inhabitants of the village of Fredonia in the county of Chautauque, in relation to amending the charter of said village, were read, and referred to the committee on the incorporation of cities and villages.

The petition of sundry inhabitants of the county of Cattaraugus, praying for a discrimination of tolls on the canals of this State, was read, and referred to the committee of the whole when on the bill upon that subject.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act for the preservation of fish in Nine-mile creek," with instructions to report the same complete, reported, that the committee had examined the said bill, and made sundry amendments thereto, and saw no reason why the said amended bill should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered,* That the said bills be engrossed for a third reading.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the petition for the incorporation of a fire company in the village of Mattewan in the county of Dutchess, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Chase accordingly brought in the said bill, entitled "An act to incorporate a fire company at Mattewan;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Ross, from the committee on the incorporation of cities and villages, to which was referred the petition of sundry inhabitants of the village of Rome in the county of Oneida, praying for a revision of the charter of the said village, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Ross accordingly brought in the said bill, entitled "An act to consolidate and amend the several acts relating to the village of Rome;" which was read the first time, and by unanimous consent was also read a second time, and, on motion of Mr. Ross, ordered to be engrossed for a third reading.

Mr. Ross, from the committee on the incorporation of cities and villages, to which was referred the bill from the Senate, entitled "An act to incorporate the village of Dansville," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered,* That the said bill be committed to a committee of the whole house.

Mr. A. H. Buell, from the committee on banks and insurance companies, to which was referred the bill from the Senate, entitled "An act relative to the assets of the Oswego Bank," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

On motion of Mr. Skelton,

*Ordered,* That the said bill do have its third reading.

Mr. Thompson, from the committee on charitable and religious societies, to which was referred the bill from the Senate, entitled "An act to incorporate the Greenbush Cemetery Association," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

On motion of Mr. Thompson,

*Ordered,* That the said bill do have its third reading.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the bill from the Senate, entitled "An act relative to the expenses incurred in enforcing the laws and preserving order in the counties of Delaware and Ulster," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

On motion of Mr. T. R. Lee,

*Ordered,* That the said bill do have its third reading.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the petition of sundry citizens of the city of New-York, relative to the police of said city, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. T. R. Lee accordingly brought in the said bill, entitled "An act to amend an act for the establishment and regulation of the police of the city of New-York, passed May 7th, 1844;" which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. T. R. Lee,

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to increase the members of Fire Company No. 2 in the village of South-Middletown, Orange county," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act relative to the superintendents of the poor in the county of Schenectady," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to increase the number of firemen in the village of Glensfalls," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Bevens, from the minority of the committee on canals, to which was referred the petition of Isaac I. Yates, for relief, reported favorably to the prayer of the petitioner, and asked leave to bring in a bill.

Leave being granted, Mr. Bevens accordingly brought in the said bill, entitled "An act for the relief of Isaac I. Yates," which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. Bevens,

*Ordered*, That the said bill be referred to the committee of the whole when on the bill entitled "An act for the relief of George Gardner and others."

Mr. Moulton, from the committee on roads and bridges, to which was referred the bill entitled "An act authorising the Hamilton and Skaneateles Turnpike Company to abandon a part of their road," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Howard, from the majority of the committee on canals, to which was referred the petition of Isaac I. Yates, for relief, reported in writing, and concluded by offering the following resolution, to wit :

*Resolved*, That the prayer of the petitioner ought not, at this time, to be granted.

[See Document No. 221.]

*Ordered*, That the said resolution be laid on the table.

Mr. Danforth, from the committee on grievances, to which was referred the bill entitled "An act for the relief of Patrick Fitzsimmons and James Brady," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Huntington, from the committee on state prisons, to which was referred the petition of sundry inhabitants of the counties of Seneca and Wayne, for the repeal of the State prison law passed at the last session, reported unfavorably to the prayer of the petitioners, and offered the following resolution, to wit :

*Resolved*, That the committee on state prisons be discharged from the further consideration of the petition for the repeal of the law in relation to the State prisons, passed at the last session of the Legislature.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

By unanimous consent,

Mr. Harris asked for and obtained leave to lay on the table a bill, entitled "An act authorising the construction of a bridge across the Hudson river at Albany," and moved that the same be printed.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Harris, and it was determined in the affirmative.

By unanimous consent,

Mr. L. H. Brown moved that five times the usual number of copies of the report of the majority of the committee on canals, on the petition of Isaac I. Yates, be printed.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. L. H. Brown, and it was determined in the affirmative.

By unanimous consent,

Mr. C. F. Crosby, from the select committee to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the Albany Medical College,' passed February 16th, 1839," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Wells, from the committee on colleges, academies and common schools, to which was referred the bill from the Senate, entitled "An act to amend an act relating to district schools of the city of Albany, passed April 8th, 1844," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.



*Ordered*, That the said bill be committed to a committee of the whole house.

A message from the Senate, with the bills therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act to divide the town of New-Paltz," with the amendments thereto therewith delivered.

The said amendments were read.

On motion of Mr. Hine,

*Resolved*, That the Assembly do concur with the Senate in their amendments to the said bill.

*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred in the said amendments, and amended the bill accordingly.

The engrossed bill entitled "An act to amend an act entitled 'An act to lay out a road from Newkirk's mills in the county of Fulton, to Pisco village in the county of Hamilton,' passed April 27th, 1841," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to sanction the regulation of the mayor, aldermen and commonalty of the city of New-York," and found the same correctly engrossed.

*Ordered*, That the said bill do have its third reading.

The engrossed bill entitled "An act concerning the district attorney of the county of Niagara," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill entitled "An act authorising Ira Fowler and Alfred Goodwin to continue a ferry across the Seneca lake," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bills to the Senate, and request their concurrence in the same.

On motion of Mr. Chase,

The House then proceeded to the consideration of the bill entitled "An act amendatory of the act in relation to the election and terms of office of town assessors and commissioners of highways, and to amend the Revised Statutes in relation to the laying out of highways," the same having been read the third time on a previous day.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act for the relief of Orrin Tyler and others," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.

{ AYES 97 }  
 { NAYS 00 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Hall         | Mr. Rice            |
| Mr. Bagg         | Mr. Hammond      | Mr. Rogers          |
| Mr. Barber       | Mr. Hannum       | Mr. Ross            |
| Mr. Betts        | Mr. Harden       | Mr. Russell         |
| Mr. Bevens       | Mr. Harris       | Mr. Sager           |
| Mr. Billings     | Mr. Hazelton     | Mr. Salisbury       |
| Mr. Bloss        | Mr. Heermans     | Mr. Sears           |
| Mr. Boughton     | Mr. Hervey       | Mr. Sherman         |
| Mr. Bowen        | Mr. Hine         | Mr. Skelton         |
| Mr. J. Brooks    | Mr. Horton       | Mr. A. C. Smith     |
| Mr. M. Brooks    | Mr. Howard       | Mr. W. Smith        |
| Mr. L. H. Brown  | Mr. Johnson      | Mr. Speaker         |
| Mr. Burdick      | Mr. Jones        | Mr. Spring          |
| Mr. Cameron      | Mr. Kinne        | Mr. J. Stevenson    |
| Mr. Chase        | Mr. Knapp        | Mr. R. L. Stevenson |
| Mr. Coe          | Mr. D. Lee       | Mr. Strobbridge     |
| Mr. Comstock     | Mr. T. R. Lee    | Mr. Sweeney         |
| Mr. Constant     | Mr. Litchfield   | Mr. Tefft           |
| Mr. C. F. Crosby | Mr. Long         | Mr. Thayer          |
| Mr. Culver       | Mr. M'Carthy     | Mr. Thompson        |
| Mr. Danforth     | Mr. M'Donald     | Mr. Titus           |
| Mr. De Puy       | Mr. M'Key        | Mr. Tuthill         |
| Mr. Dewey        | Mr. M'Vean       | Mr. Van Valkenburgh |
| Mr. Dickson      | Mr. Mersereau    | Mr. Walrath         |
| Mr. Edwards      | Mr. C. B. Miller | Mr. Wells           |
| Mr. Fellows      | Mr. Morris       | Mr. Wheeler         |
| Mr. Field        | Mr. Morrison     | Mr. White           |
| Mr. Fonda        | Mr. Moulton      | Mr. Whitney         |
| Mr. Frisbee      | Mr. Niven        | Mr. Worden          |
| Mr. Garretson    | Mr. Oakley       | Mr. Wyckoff         |
| Mr. Giffard      | Mr. Porter       | Mr. A. W. Young     |
| Mr. D. Gould     | Mr. Raymond      | Mr. J. Young        |
| Mr. G. Goold     |                  |                     |

97

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to sanction the regulation of the mayor, aldermen and commonalty of the city of New-York," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act for the equal distribution of the Literature fund," was read the third time.

Mr. Chase moved to lay the question on the final passage of the said bill on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Chase, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.

{ AYES 95 }  
{ NAYS 12 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Bachman      | Mr. Frisbee    | Mr. Pierce          |
| Mr. Bagg         | Mr. Garretson  | Mr. Porter          |
| Mr. Barber       | Mr. Giffard    | Mr. Preston         |
| Mr. Betts        | Mr. D. Gould   | Mr. Raymond         |
| Mr. Bevens       | Mr. G. Goold   | Mr. Rice            |
| Mr. Billings     | Mr. Hall       | Mr. Rogers          |
| Mr. Bloss        | Mr. Hammond    | Mr. Ross            |
| Mr. Bowen        | Mr. Hannum     | Mr. Russell         |
| Mr. J. Brooks    | Mr. Harden     | Mr. Sager           |
| Mr. M. Brooks    | Mr. Harris     | Mr. Salisbury       |
| Mr. Brower       | Mr. Hazelton   | Mr. Searing         |
| Mr. L. H. Brown  | Mr. Heermans   | Mr. Sears           |
| Mr. S. A. Brown  | Mr. Hine       | Mr. Skelton         |
| Mr. A. H. Buell  | Mr. Horton     | Mr. A. C. Smith     |
| Mr. Bunker       | Mr. Howard     | Mr. W. Smith        |
| Mr. Burdick      | Mr. Huntington | Mr. Speaker         |
| Mr. Bush         | Mr. Johnson    | Mr. Spring          |
| Mr. Cameron      | Mr. Kinne      | Mr. J. Stevenson    |
| Mr. Carpenter    | Mr. Knapp      | Mr. R. L. Stevenson |
| Mr. Coe          | Mr. D. Lee     | Mr. Sweeney         |
| Mr. Comstock     | Mr. Litchfield | Mr. Tefft           |
| Mr. Constant     | Mr. Long       | Mr. Thayer          |
| Mr. C. F. Crosby | Mr. M'Carthy   | Mr. Thompson        |
| Mr. Culyer       | Mr. M'Donald   | Mr. Tibbits         |
| Mr. Danforth     | Mr. M'Vean     | Mr. Titus           |
| Mr. De Puy       | Mr. Mann       | Mr. Walrath         |
| Mr. Dewey        | Mr. Mersereau  | Mr. Wells           |
| Mr. Dickson      | Mr. Morris     | Mr. Worden          |
| Mr. Edwards      | Mr. Morrison   | Mr. Wyckoff         |
| Mr. Fellows      | Mr. Moulton    | Mr. A. W. Young     |
| Mr. Field        | Mr. Newkirk    | Mr. J. Young        |
| Mr. Fonda        | Mr. Niven      |                     |

Those who voted in the negative are

|               |                  |                     |
|---------------|------------------|---------------------|
| Mr. Chase     | Mr. M'Key        | Mr. Strobbridge     |
| Mr. Hervey    | Mr. C. B. Miller | Mr. Van Valkenburgh |
| Mr. Jones     | Mr. Oakley       | Mr. Wheeler         |
| Mr. T. R. Lee | Mr. Sherman      | Mr. Whitney         |

12

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to lay out a road from the village of Littlefalls to the town of Warren," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill from the Senate, entitled "An act to provide for building a fire proof clerk's office and surrogate's office in the county of Ulster," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The engrossed bill entitled "An act to authorise the board of supervisors of the county of Monroe to borrow money, and to build a bridge across the Genesee river," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill from the Senate, entitled "An act relative to the expenses incurred in enforcing the laws and preserving order in the counties of Delaware and Ulster," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill from the Senate, entitled "An act in relation to the assets of the Oswego Bank," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk return the said bills to the Senate, and inform them that the Assembly have passed the same severally without amendment.

The engrossed bill entitled "An act to incorporate the village of Ebenezer in the county of Erie," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

} AYES 87 }  
 } NAYS 25 }

Those who voted in the affirmative are

|            |             |             |
|------------|-------------|-------------|
| Mr. Bailey | Mr. Hall    | Mr. Ross    |
| Mr. Barber | Mr. Hammond | Mr. Russell |



|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Betts        | Mr. Hannum       | Mr. Sager           |
| Mr. Bevens       | Mr. Heermans     | Mr. Salisbury       |
| Mr. Billings     | Mr. Hervey       | Mr. Sears           |
| Mr. Bloss        | Mr. Hine         | Mr. Sherman         |
| Mr. Bowen        | Mr. Horton       | Mr. Skelton         |
| Mr. J. Brooks    | Mr. Howard       | Mr. A. C. Smith     |
| Mr. M. Brooks    | Mr. Huntington   | Mr. W. Smith        |
| Mr. L. H. Brown  | Mr. Johnson      | Mr. Speaker         |
| Mr. S. A. Brown  | Mr. Kinne        | Mr. Spring          |
| Mr. Bunker       | Mr. Knapp        | Mr. J. Stevenson    |
| Mr. Burdick      | Mr. D. Lee       | Mr. R. L. Stevenson |
| Mr. Bush         | Mr. T. R. Lee    | Mr. Strobridge      |
| Mr. Cameron      | Mr. Litchfield   | Mr. Sweeney         |
| Mr. Casner       | Mr. Long         | Mr. Thayer          |
| Mr. Comstock     | Mr. McDonald     | Mr. Thompson        |
| Mr. C. F. Crosby | Mr. M'Vean       | Mr. Tibbits         |
| Mr. Danforth     | Mr. Mann         | Mr. Tuthill         |
| Mr. Dewey        | Mr. C. B. Miller | Mr. Van Schoonhoven |
| Mr. Edwards      | Mr. Morris       | Mr. Van Valkenburgh |
| Mr. Fellows      | Mr. Morrison     | Mr. Walrath         |
| Mr. Field        | Mr. Newkirk      | Mr. Wells           |
| Mr. Fonda        | Mr. Niven        | Mr. White           |
| Mr. Frisbee      | Mr. Porter       | Mr. Wilcox          |
| Mr. Garretson    | Mr. Preston      | Mr. Worden          |
| Mr. Giffard      | Mr. Raymond      | Mr. Wyckoff         |
| Mr. D. Gould     | Mr. Rice         | Mr. A. W. Young     |
| Mr. G. Goold     | Mr. Rogers       | Mr. J. Young        |

87

Those who voted in the negative are

|                 |               |             |
|-----------------|---------------|-------------|
| Mr. Bachman     | Mr. De Puy    | Mr. Moulton |
| Mr. Bagg        | Mr. Dickson   | Mr. Oakley  |
| Mr. Brower      | Mr. Gregory   | Mr. Pierce  |
| Mr. A. H. Buell | Mr. Hazelton  | Mr. Searing |
| Mr. Carpenter   | Mr. Jones     | Mr. Tefft   |
| Mr. Chase       | Mr. M'Carthy  | Mr. Titus   |
| Mr. Coe         | Mr. M'Key     | Mr. Wheeler |
| Mr. Constant    | Mr. Mersereau | Mr. Whitney |
| Mr. Culver      |               |             |

25

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to amend an act entitled 'An act for the establishment and regulation of the police in the city of New-York,' passed May 7th, 1844," and found the same correctly engrossed.

*Ordered*, That the said bill do have its third reading.

The said engrossed bill was then read the third time.

Mr. Morrison moved to lay the question on the final passage of the said bill on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Morrison, and it was determined in the affirmative.

The engrossed bill entitled "An act to amend an act entitled 'An act to provide for the construction of a railroad from Auburn to Rochester,' passed May 13th, 1835," was read the third time.

By unanimous consent,

Mr. Huntington moved to amend the first section of the said bill, by inserting after the words "incorporated villages," the words "or towns."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Huntington, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to the final passage of the said bill, as amended, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 100 }  
{ NAYS 01 }

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Hall         | Mr. Rogers          |
| Mr. Bagg         | Mr. Hammond      | Mr. Ross            |
| Mr. Barber       | Mr. Hannum       | Mr. Russell         |
| Mr. Betts        | Mr. Harden       | Mr. Sager           |
| Mr. Bevens       | Mr. Harris       | Mr. Salisbury       |
| Mr. Billings     | Mr. Hazelton     | Mr. Searing         |
| Mr. Bloss        | Mr. Heermans     | Mr. Sears           |
| Mr. Bowen        | Mr. Hervey       | Mr. Sherman         |
| Mr. J. Brooks    | Mr. Hine         | Mr. Skelton         |
| Mr. L. H. Brown  | Mr. Howard       | Mr. A. C. Smith     |
| Mr. S. A. Brown  | Mr. Huntington   | Mr. W. Smith        |
| Mr. A. H. Buell  | Mr. Johnson      | Mr. Speaker         |
| Mr. Bunker       | Mr. Jones        | Mr. Spring          |
| Mr. Burdick      | Mr. Kinne        | Mr. J. Stevenson    |
| Mr. Bush         | Mr. Knapp        | Mr. R. L. Stevenson |
| Mr. Cameron      | Mr. D. Lee       | Mr. Sweeney         |
| Mr. Casner       | Mr. Litchfield   | Mr. Tefft           |
| Mr. Chase        | Mr. Long         | Mr. Thayer          |
| Mr. Coe          | Mr. M'Carthy     | Mr. Thompson        |
| Mr. Comstock     | Mr. M'Donald     | Mr. Tibbits         |
| Mr. Constant     | Mr. M'Key        | Mr. Titus           |
| Mr. C. F. Crosby | Mr. M'Vean       | Mr. Tutbill         |
| Mr. Culver       | Mr. Mann         | Mr. Van Schoonhoven |
| Mr. Danforth     | Mr. Mersereau    | Mr. Van Valkenburgh |
| Mr. De Puy       | Mr. C. B. Miller | Mr. Walrath         |
| Mr. Dewey        | Mr. Morris       | Mr. Wells           |
| Mr. Dickson      | Mr. Moulton      | Mr. White           |
| Mr. Edwards      | Mr. Newkirk      | Mr. Whitney         |
| Mr. Fellows      | Mr. Oakley       | Mr. Wilcox          |
| Mr. Field        | Mr. Pierce       | Mr. Worden          |

Mr. Frisbee  
Mr. Garretson  
Mr. Giffard  
Mr. Gregory

Mr. Porter  
Mr. Raymond  
Mr. Rice

Mr. Wyckoff  
Mr. A. W. Young  
Mr. J. Young

100

For the negative,

Mr. Brower

1

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to change the name of the village of Fairport to that of Horseheads," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 96 }  
{ NAYS 00 }

Those who voted in the affirmative are

Mr. Bagg  
Mr. Barber  
Mr. Betts  
Mr. Bevens  
Mr. Billings  
Mr. Bloss  
Mr. Bowen  
Mr. J. Brooks  
Mr. M. Brooks  
Mr. Brower  
Mr. L. H. Brown  
Mr. S. A. Brown  
Mr. A. H. Buell  
Mr. Burdick  
Mr. Bush  
Mr. Cameron  
Mr. Carpenter  
Mr. Casner  
Mr. Chase  
Mr. Comstock  
Mr. Constant  
Mr. Culver  
Mr. Danforth  
Mr. De Puy  
Mr. Dewey  
Mr. Edwards  
Mr. Fellows

Mr. Gregory  
Mr. Hall  
Mr. Hammond  
Mr. Hannum  
Mr. Harden  
Mr. Heermans  
Mr. Hervey  
Mr. Hine  
Mr. Howard  
Mr. Huntington  
Mr. Johnson  
Mr. Jones  
Mr. Kinne  
Mr. Knapp  
Mr. D. Lee  
Mr. Litchfield  
Mr. Long  
Mr. M'Carthy  
Mr. M'Donald  
Mr. M'Key  
Mr. M'Vean  
Mr. Mann  
Mr. C. B. Miller  
Mr. Morris  
Mr. Morrison  
Mr. Moulton  
Mr. Newkirk

Mr. Raymond  
Mr. Rice  
Mr. Rogers  
Mr. Ross  
Mr. Russell  
Mr. Sager  
Mr. Salisbury  
Mr. Searing  
Mr. Sears  
Mr. Sherman  
Mr. A. C. Smith  
Mr. W. Smith  
Mr. Speaker  
Mr. Spring  
Mr. J. Stevenson  
Mr. Sweeney  
Mr. Tefft  
Mr. Thayer  
Mr. Thompson  
Mr. Tibbits  
Mr. Titus  
Mr. Tuthill  
Mr. Van Schoonhoven  
Mr. Van Valkenburgh  
Mr. Walrath  
Mr. Wells  
Mr. Wheeler

|               |             |                 |
|---------------|-------------|-----------------|
| Mr. Field     | Mr. Niven   | Mr. White       |
| Mr. Fonda     | Mr. Oakley  | Mr. Worden      |
| Mr. Frisbee   | Mr. Pierce  | Mr. Wyckoff     |
| Mr. Garretson | Mr. Porter  | Mr. A. W. Young |
| Mr. Giffard   | Mr. Preston | Mr. J. Young    |

96

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to confirm the sale of real estate made by the trustees of the First Baptist Church and Society in the town of Franklin in the county of Delaware, and for the relief of said society," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 104 }  
{ NAYS 00 }

Those who voted in the affirmative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Bachman      | Mr. G. Goold   | Mr. Raymond         |
| Mr. Bagg         | Mr. Gregory    | Mr. Rice            |
| Mr. Barber       | Mr. Hall       | Mr. Rogers          |
| Mr. Betts        | Mr. Hammond    | Mr. Ross            |
| Mr. Bevins       | Mr. Hannum     | Mr. Russell         |
| Mr. Billings     | Mr. Harden     | Mr. Sager           |
| Mr. Bloss        | Mr. Hazelton   | Mr. Salisbury       |
| Mr. Bowen        | Mr. Heermans   | Mr. Sears           |
| Mr. J. Brooks    | Mr. Hervey     | Mr. Sherman         |
| Mr. M. Brooks    | Mr. Horton     | Mr. A. C. Smith     |
| Mr. Brower       | Mr. Howard     | Mr. W. Smith        |
| Mr. L. H. Brown  | Mr. Huntington | Mr. Speaker         |
| Mr. S. A. Brown  | Mr. Johnson    | Mr. Spring          |
| Mr. Bunker       | Mr. Jones      | Mr. J. Stevenson    |
| Mr. Bush         | Mr. Kinne      | Mr. R. L. Stevenson |
| Mr. Cameron      | Mr. Knapp      | Mr. Sweeney         |
| Mr. Carpenter    | Mr. D. Lee     | Mr. Tefft           |
| Mr. Casner       | Mr. T. R. Lee  | Mr. Thayer          |
| Mr. Chase        | Mr. Litchfield | Mr. Thompson        |
| Mr. Coe          | Mr. Long       | Mr. Tibbits         |
| Mr. Comstock     | Mr. M'Carthy   | Mr. Titus           |
| Mr. Constant     | Mr. M'Donald   | Mr. Tuthill         |
| Mr. C. F. Crosby | Mr. M'Key      | Mr. Van Schoonhoven |
| Mr. Culver       | Mr. M'Vean     | Mr. Van Valkenburgh |
| Mr. Danforth     | Mr. Mann       | Mr. Walrath         |
| Mr. De Puy       | Mr. Mersereau  | Mr. Wells           |
| Mr. Dewey        | Mr. Morris     | Mr. Wheeler         |
| Mr. Dickson      | Mr. Morrison   | Mr. White           |



|               |             |                 |
|---------------|-------------|-----------------|
| Mr. Edwards   | Mr. Moulton | Mr. Whitney     |
| Mr. Fellows   | Mr. Newkirk | Mr. Wilcox      |
| Mr. Field     | Mr. Niven   | Mr. Worden      |
| Mr. Fonda     | Mr. Oakley  | Mr. Wyckoff     |
| Mr. Frisbee   | Mr. Pierce  | Mr. A. W. Young |
| Mr. Garretson | Mr. Porter  | Mr. J. Young    |
| Mr. Giffard   | Mr. Preston |                 |

104

*Ordered*, That the Clerk deliver the said bills to the Senate, and request their concurrence in the same.

On motion of Mr. Jones,

The House then proceeded to the consideration of the bill entitled "An act to prevent the racing and trotting of horses on any of the several roads, streets or avenues in the city and county of New-York, and for other purposes."

The question recurred on reconsidering the vote on the final passage of the said bill.

Mr. Speaker put the question whether the House would reconsider the said vote, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.

{ AYES 57 }  
{ NAYS 39 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Bachman     | Mr. Hammond    | Mr. Pierce          |
| Mr. Bagg        | Mr. Hannum     | Mr. Preston         |
| Mr. Bevens      | Mr. Harden     | Mr. Raymond         |
| Mr. M. Brooks   | Mr. Harris     | Mr. Rice            |
| Mr. Brower      | Mr. Hazelton   | Mr. Ross            |
| Mr. L. H. Brown | Mr. Horton     | Mr. Russell         |
| Mr. Bush        | Mr. Jones      | Mr. Sherman         |
| Mr. Cameron     | Mr. Knapp      | Mr. Sweeney         |
| Mr. Carpenter   | Mr. T. R. Lee  | Mr. Thompson        |
| Mr. Casner      | Mr. Litchfield | Mr. Tibbits         |
| Mr. Chase       | Mr. Long       | Mr. Tnithill        |
| Mr. Danforth    | Mr. M'Carthy   | Mr. Van Schoonhoven |
| Mr. De Puy      | Mr. M'Donald   | Mr. Walrath         |
| Mr. Dewey       | Mr. Mann       | Mr. Wells           |
| Mr. Edwards     | Mr. Mersereau  | Mr. Wheeler         |
| Mr. Fellows     | Mr. Morris     | Mr. Whitney         |
| Mr. Fonda       | Mr. Morrison   | Mr. Wilcox          |
| Mr. D. Gould    | Mr. Moulton    | Mr. Worden          |
| Mr. Gregory     | Mr. Newkirk    | Mr. J. Young        |

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Those who voted in the negative are

|               |                |                     |
|---------------|----------------|---------------------|
| Mr. Betts     | Mr. Hervey     | Mr. Sears           |
| Mr. Billings  | Mr. Hine       | Mr. W. Smith        |
| Mr. Bloss     | Mr. Howard     | Mr. Speaker         |
| Mr. Burdick   | Mr. Huntington | Mr. Spring          |
| Mr. Coe       | Mr. Johnson    | Mr. J. Stevenson    |
| Mr. Constant  | Mr. Kinne      | Mr. R. L. Stevenson |
| Mr. Culver    | Mr. M'Key      | Mr. Tefft           |
| Mr. Dickson   | Mr. M'Vean     | Mr. Thayer          |
| Mr. Field     | Mr. Niven      | Mr. Titus           |
| Mr. Frisbee   | Mr. Oakley     | Mr. Van Valkenburgh |
| Mr. Garretson | Mr. Rogers     | Mr. White           |
| Mr. Gifford   | Mr. Sager      | Mr. Wyckoff         |
| Mr. Heermans  | Mr. Salisbury  | Mr. A. W. Young 39  |

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to incorporate the village of Canton," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 100 }  
{ NAYS 00 }

Those who voted in the affirmative are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Bachman     | Mr. D. Gould   | Mr. Porter          |
| Mr. Bagg        | Mr. Hall       | Mr. Preston         |
| Mr. Bailey      | Mr. Hannum     | Mr. Raymond         |
| Mr. Barber      | Mr. Harden     | Mr. Rice            |
| Mr. Betts       | Mr. Harris     | Mr. Rogers          |
| Mr. Bevens      | Mr. Hazelton   | Mr. Ross            |
| Mr. Billings    | Mr. Heermans   | Mr. Russell         |
| Mr. Bloss       | Mr. Hervey     | Mr. Sager           |
| Mr. Bowen       | Mr. Hine       | Mr. Salisbury       |
| Mr. J. Brooks   | Mr. Horton     | Mr. Searing         |
| Mr. M. Brooks   | Mr. Howard     | Mr. Sears           |
| Mr. Brower      | Mr. Huntington | Mr. Sherman         |
| Mr. L. H. Brown | Mr. Johnson    | Mr. A. C. Smith     |
| Mr. S. A. Brown | Mr. Jones      | Mr. W. Smith        |
| Mr. Burdick     | Mr. Kinne      | Mr. Speaker         |
| Mr. Bush        | Mr. Knapp      | Mr. Spring          |
| Mr. Cameron     | Mr. D. Lee     | Mr. J. Stevenson    |
| Mr. Carpenter   | Mr. T. R. Lee  | Mr. R. L. Stevenson |
| Mr. Casner      | Mr. Litchfield | Mr. Sweeney         |
| Mr. Chase       | Mr. Long       | Mr. Tefft           |

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Coe          | Mr. M'Carthy     | Mr. Thayer          |
| Mr. Comstock     | Mr. M'Donald     | Mr. Tibbits         |
| Mr. Constant     | Mr. M'Key        | Mr. Tuthill         |
| Mr. C. F. Crosby | Mr. M'Vean       | Mr. Van Schoonhoven |
| Mr. Culver       | Mr. Mann         | Mr. Walrath         |
| Mr. Danforth     | Mr. Mersereau    | Mr. Wells           |
| Mr. Dewey        | Mr. C. B. Miller | Mr. Wheeler         |
| Mr. Dickson      | Mr. Morris       | Mr. Whitney         |
| Mr. Edwards      | Mr. Moulton      | Mr. Wilcox          |
| Mr. Fellows      | Mr. Newkirk      | Mr. Worden          |
| Mr. Field        | Mr. Niven        | Mr. Wyckoff         |
| Mr. Fonda        | Mr. Oakley       | Mr. A. W. Young     |
| Mr. Frisbee      | Mr. Pierce       | Mr. J. Young        |
| Mr. Garretson    |                  |                     |

100

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to amend the act entitled 'An act to incorporate the village of Geddes,'" was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 90 }  
 { NAYS 00 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Bachman     | Mr. Frisbee    | Mr. Rice            |
| Mr. Bagg        | Mr. Garretson  | Mr. Rogers          |
| Mr. Bailey      | Mr. D. Gould   | Mr. Ross            |
| Mr. Barber      | Mr. Hall       | Mr. Russell         |
| Mr. Betts       | Mr. Hannum     | Mr. Sager           |
| Mr. Bevens      | Mr. Harden     | Mr. Salisbury       |
| Mr. Billings    | Mr. Harris     | Mr. Sherman         |
| Mr. Bloss       | Mr. Hazelton   | Mr. A. C. Smith     |
| Mr. Bowen       | Mr. Heermans   | Mr. W. Smith        |
| Mr. J. Brooks   | Mr. Hervey     | Mr. Speaker         |
| Mr. M. Brooks   | Mr. Hine       | Mr. Spring          |
| Mr. L. H. Brown | Mr. Horton     | Mr. J. Stevenson    |
| Mr. S. A. Brown | Mr. Huntington | Mr. R. L. Stevenson |
| Mr. Burdick     | Mr. Kinne      | Mr. Sweeney         |
| Mr. Bush        | Mr. T. R. Lee  | Mr. Tefft           |
| Mr. Cameron     | Mr. Litchfield | Mr. Thayer          |
| Mr. Carpenter   | Mr. M'Carthy   | Mr. Thompson        |
| Mr. Chase       | Mr. M'Donald   | Mr. Tibbits         |
| Mr. Coe         | Mr. M'Key      | Mr. Titus           |

|                  |                  |                 |
|------------------|------------------|-----------------|
| Mr. Comstock     | Mr. M'Vean       | Mr. Tuthill     |
| Mr. Constant     | Mr. Mann         | Mr. Walrath     |
| Mr. C. F. Crosby | Mr. Mersereau    | Mr. Wells       |
| Mr. Culver       | Mr. C. B. Miller | Mr. Wheeler     |
| Mr. Danforth     | Mr. Newkirk      | Mr. White       |
| Mr. Dewey        | Mr. Niven        | Mr. Whitney     |
| Mr. Dickson      | Mr. Oakley       | Mr. Wilcox      |
| Mr. Edwards      | Mr. Pierce       | Mr. Worden      |
| Mr. Fellows      | Mr. Porter       | Mr. Wyckoff     |
| Mr. Field        | Mr. Preston      | Mr. A. W. Young |
| Mr. Fonda        | Mr. Raymond      | Mr. J. Young    |

90

*Ordered,* That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to amend the act entitled 'An act to authorise the construction of a timber, plank or hard road from Salina in the county of Onondaga, to Central-square in the county of Oswego,' passed April 12th, 1844," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

} AYES 93 }  
 } NAYS 00 }

Those who voted in the affirmative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Bachman      | Mr. Garretson  | Mr. Porter          |
| Mr. Bagg         | Mr. D. Gould   | Mr. Preston         |
| Mr. Bailey       | Mr. Gregory    | Mr. Raymond         |
| Mr. Barber       | Mr. Hall       | Mr. Rogers          |
| Mr. Betts        | Mr. Hannum     | Mr. Ross            |
| Mr. Bevens       | Mr. Harden     | Mr. Russell         |
| Mr. Billings     | Mr. Harris     | Mr. Sager           |
| Mr. Bowen        | Mr. Hazelton   | Mr. Salisbury       |
| Mr. J. Brooks    | Mr. Heermans   | Mr. Searing         |
| Mr. M. Brooks    | Mr. Hervey     | Mr. Sherman         |
| Mr. L. H. Brown  | Mr. Horton     | Mr. A. C. Smith     |
| Mr. S. A. Brown  | Mr. Huntington | Mr. W. Smith        |
| Mr. Burdick      | Mr. Johnson    | Mr. Speaker         |
| Mr. Bush         | Mr. Jones      | Mr. Spring          |
| Mr. Cameron      | Mr. Kinne      | Mr. J. Stevenson    |
| Mr. Carpenter    | Mr. D. Lee     | Mr. R. L. Stevenson |
| Mr. Chase        | Mr. T. R. Lee  | Mr. Sweeney         |
| Mr. Coe          | Mr. Litchfield | Mr. Tefft           |
| Mr. Comstock     | Mr. Long       | Mr. Thayer          |
| Mr. Constant     | Mr. M'Carthy   | Mr. Thompson        |
| Mr. C. F. Crosby | Mr. M'Donald   | Mr. Tibbits         |
| Mr. Culver       | Mr. M'Key      | Mr. Tuthill         |



|              |                  |                 |
|--------------|------------------|-----------------|
| Mr. Danforth | Mr. M'Vean       | Mr. Walrath     |
| Mr. De Puy   | Mr. Mann         | Mr. Wells       |
| Mr. Dewey    | Mr. Mersereau    | Mr. Wheeler     |
| Mr. Dickson  | Mr. C. B. Miller | Mr. Whitney     |
| Mr. Edwards  | Mr. Morrison     | Mr. Wilcox      |
| Mr. Fellows  | Mr. Newkirk      | Mr. Worden      |
| Mr. Field    | Mr. Niven        | Mr. Wyckoff     |
| Mr. Fonda    | Mr. Oakley       | Mr. A. W. Young |
| Mr. Frisbee  | Mr. Pierce       | Mr. J. Young    |

93

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act relative to the city of Brooklyn," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 89 }  
{ NAYS 00 }

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Hannum       | Mr. Rogers          |
| Mr. Bagg         | Mr. Harden       | Mr. Ross            |
| Mr. Bailey       | Mr. Harris       | Mr. Russell         |
| Mr. Barber       | Mr. Hazelton     | Mr. Sager           |
| Mr. Betts        | Mr. Heermans     | Mr. Salisbury       |
| Mr. Billings     | Mr. Hervey       | Mr. Searing         |
| Mr. Bowen        | Mr. Hine         | Mr. Sherman         |
| Mr. J. Brooks    | Mr. Horton       | Mr. A. C. Smith     |
| Mr. S. A. Brown  | Mr. Howard       | Mr. W. Smith        |
| Mr. Burdick      | Mr. Johnson      | Mr. Speaker         |
| Mr. Bush         | Mr. Kinne        | Mr. Spring          |
| Mr. Cameron      | Mr. Knapp        | Mr. J. Stevenson    |
| Mr. Carpenter    | Mr. D. Lee       | Mr. R. L. Stevenson |
| Mr. Chase        | Mr. Litchfield   | Mr. Sweeney         |
| Mr. Coe          | Mr. Long         | Mr. Tefft           |
| Mr. Comstock     | Mr. M'Carthy     | Mr. Thayer          |
| Mr. Constant     | Mr. M'Donald     | Mr. Thompson        |
| Mr. C. F. Crosby | Mr. M'Key        | Mr. Tibbits         |
| Mr. Culver       | Mr. M'Vean       | Mr. Titus           |
| Mr. Danforth     | Mr. Mann         | Mr. Tuthill         |
| Mr. De Puy       | Mr. Mersereau    | Mr. Van Schoonhoven |
| Mr. Dewey        | Mr. C. B. Miller | Mr. Walrath         |
| Mr. Dickson      | Mr. Morrison     | Mr. Wells           |
| Mr. Edwards      | Mr. Newkirk      | Mr. Wheeler         |
| Mr. Fellows      | Mr. Niven        | Mr. Wilcox          |
| Mr. Fonda        | Mr. Oakley       | Mr. Worden          |

Mr. Frisbee  
Mr. D. Gould  
Mr. Gregory  
Mr. Hall

Mr. Pierce  
Mr. Porter  
Mr. Preston  
Mr. Raymond

Mr. Wyckoff  
Mr. A. W. Young  
Mr. J. Young

89

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. Bloss moved that, at the hour of two o'clock this afternoon, there be a call of the house.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Bloss, and it was determined in the negative.

Mr. Bloss gave notice that, at half past one o'clock this afternoon, he would move a call of the house.

By unanimous consent,

Mr. Hannum moved to recommit the bill entitled "An act to amend an act entitled 'An act for the establishment and regulation of the police of the city of New-York,' passed May 7th, 1844," to the committee on the judiciary.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Hannum, and it was determined in the affirmative.

*Ordered*, That Mr. Pardee have leave of absence for four days, and Mr. Hine for one day.

By unanimous consent,

Mr. Titus offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill entitled "An act to incorporate the Ronkonkama Lake Ice Company," be taken from the general orders, and re-committed to the committee on trade and manufactures, to report the same complete.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

The engrossed bill entitled "An act to enable the trustees of school district number nine in the towns of Pembroke, Batavia, Alexander and Darien in the county of Genesee, to obtain a site for a school-house," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. T. R. Lee moved that the House do adjourn.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. T. R. Lee, and it was determined in the affirmative.

{ AYES 51 }  
{ NAYS 49 }

The ayes and nays being required by ten members,

## Those who voted in the affirmative are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Bachman     | Mr. Heermans   | Mr. Preston         |
| Mr. Betts       | Mr. Hine       | Mr. Rice            |
| Mr. L. H. Brown | Mr. Johnson    | Mr. Rogers          |
| Mr. Burdick     | Mr. Kinne      | Mr. Russell         |
| Mr. Carpenter   | Mr. Knapp      | Mr. Sager           |
| Mr. Casner      | Mr. T. R. Lee  | Mr. Salisbury       |
| Mr. Chase       | Mr. Litchfield | Mr. Searing         |
| Mr. Constant    | Mr. Long       | Mr. Sherman         |
| Mr. Danforth    | Mr. M'Key      | Mr. Tibbits         |
| Mr. Dewey       | Mr. M'Vean     | Mr. Van Schoonhoven |
| Mr. Edwards     | Mr. Mann       | Mr. Van Valkenburgh |
| Mr. Fellows     | Mr. Mersereau  | Mr. Wells           |
| Mr. Field       | Mr. Morris     | Mr. Wheeler         |
| Mr. Gregory     | Mr. Newkirk    | Mr. White           |
| Mr. Hall        | Mr. Oakley     | Mr. Wilcox          |
| Mr. Hannum      | Mr. Pierce     | Mr. J. Young        |
| Mr. Harden      |                |                     |

51

## Those who voted in the negative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bagg         | Mr. D. Gould     | Mr. Speaker         |
| Mr. Barber       | Mr. Harris       | Mr. Spring          |
| Mr. Bevens       | Mr. Hazelton     | Mr. J. Stevenson    |
| Mr. Billings     | Mr. Hervey       | Mr. R. L. Stevenson |
| Mr. Bloss        | Mr. Horton       | Mr. Strobbridge     |
| Mr. Bowen        | Mr. Howard       | Mr. Sweeney         |
| Mr. J. Brooks    | Mr. Jones        | Mr. Tefft           |
| Mr. M. Brooks    | Mr. D. Lee       | Mr. Thayer          |
| Mr. Brower       | Mr. M'Carthy     | Mr. Thompson        |
| Mr. S. A. Brown  | Mr. M'Donald     | Mr. Titus           |
| Mr. Cameron      | Mr. C. B. Miller | Mr. Tuthill         |
| Mr. Coe          | Mr. Moulton      | Mr. Walrath         |
| Mr. Comstock     | Mr. Niven        | Mr. Whitney         |
| Mr. C. F. Crosby | Mr. Porter       | Mr. Worden          |
| Mr. Culver       | Mr. Raymond      | Mr. Wyckoff         |
| Mr. Fonda        | Mr. Ross         | Mr. A. W. Young     |
| Mr. Frisbee      |                  |                     |

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The House then adjourned to ten o'clock on Monday morning next.

## MONDAY, APRIL 14, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Welch.

The minutes of Saturday were read and approved.

The petition of six hundred and thirty-two colored citizens of the city of New-York, praying for an extension of the elective franchise, was read, and referred to the select committee on that subject.

The petition of the members of the bar of the county of Livingston, praying for the passage of a law authorising the holding of a special term of the Supreme Court at the village of Geneva, was read, and referred to the committee on the judiciary.

The petition of the members of the bar of the county of Madison, praying that three of the special terms of the Supreme Court, which are now held in the city of Albany, may be hereafter held in the village of Syracuse in each year, was read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the town of East-Bloomfield in the county of Ontario, praying the Legislature to pass a general corporation law for combined agricultural and mechanical operations, was read, and referred to the committee on trade and manufactures.

The remonstrance of sundry inhabitants of the county of Erie, against the incorporation of the Buffalo and Lancaster Plank Road Company, was read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the city of New-York, praying for the passage of a law authorising the erection of a bridge across the Hudson river at the city of Albany, was read, and referred to the committee of the whole when on the bill upon that subject.

Six several remonstrances of sundry inhabitants of the counties of Erie, Saratoga and Orange, against the erection of a bridge across the Hudson river at the city of Albany, were read, and referred to the committee of the whole when on the bill upon that subject.

Three several petitions of sundry inhabitants of the counties of Lewis and Jefferson, praying for the construction of the Black River canal, were read, and referred to the committee on canals.

Two several petitions of sundry inhabitants of the counties of Erie and Niagara, praying for an equalization of tolls on the Erie canal, were read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Jefferson, praying for the incorporation of the American and Foreign Bible Society, was read, and ordered to be laid on the table.

Three several remonstrances of sundry inhabitants of the county of Washington, against the passage of a law abolishing the office of town and county superintendent of common schools, were read, and referred to the committee of the whole when on the bill upon that subject.

The House then resolved itself into a committee of the whole, on the



bill entitled "An act authorising the board of supervisors of the counties of Madison and Dutchess to restore the distinction between county and town poor;" on the bill entitled "An act to extend the jurisdiction of the circuit judge of the first circuit, in hearing non-enumerated motions;" and on the bill entitled "An act concerning attachments against absconding, concealed and non-resident debtors;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Carpenter, from the said committee, reported, that the committee had gone through the bill entitled "An act authorising the board of supervisors of the counties of Madison and Dutchess to restore the distinction between county and town poor," made sundry amendments thereto, and agreed to the same; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. Carpenter, from the same committee, reported progress on the bill entitled "An act to extend the jurisdiction of the circuit judge of the first circuit, in hearing non-enumerated motions," and asked for leave to sit again.

On motion of Mr. Comstock,

*Ordered*, That the said bill be referred to the committee on the judiciary, with instructions to report the same complete.

Mr. Carpenter, from the same committee, reported, that the committee had gone through the bill entitled "An act concerning attachments against absconding, concealed and non-resident debtors," made sundry amendments thereto, and agreed to the same; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. Oakley, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act in relation to the support of the poor in the county of Wayne;" the bill entitled "An act to authorise the supervisors of the county of Schoharie to levy a tax upon the town of Carlisle, for the relief of James Dana, William Youngs and David A. Richtmyer;" the bill entitled "An act for the relief of William Coleman, Abiel West and Joseph Taylor;" the bill entitled "An act for the relief of Sarah Combs, widow of John Combs;" the bill entitled "An act for the relief of the Trust Fire Insurance Company in the city of New-York;" the bill entitled "An act to amend the act entitled 'An act to incorporate the village of Bath in the county of Steuben;'" the bill entitled "An act to amend an act entitled 'An act to incorporate the Albany Medical College,' passed February 16th, 1839;" the bill entitled "An act relative to purchasers at receiver's sales;" the bill entitled "An act to promote the education and moral improvement of minors employed in the business of navigating the canals of this State;" the bill entitled "An act in relation to the ferry at Blackrock;" the bill entitled "An act to incorporate the Port Ontario Bridge Company," and the bill entitled "An act authorising the Hamilton and Skaneateles Turnpike Company to abandon a part of their road," and found the same severally correctly engrossed.

*Ordered*, That the said bills do have their third reading.

Mr. Crain moved that the present order of business, consisting of the "General orders of the day," be postponed, for the purpose of considering the bill entitled "An act recommending a Convention of the

People of this State," which was made the special order for twelve o'clock at noon this day.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Crain, and it was determined in the affirmative.

The House then again resolved itself into a committee of the whole, on the bill entitled "An act recommending a Convention of the People of this State;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Bevins, from the said committee, reported progress, and asked for and obtained leave to sit again.

A message from the Senate, with the bills therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act to authorise the supervisors of the county of Montgomery to lay a tax upon the town of Palatine;" the bill entitled "An act for the relief of Daniel W. Wing;" the bill entitled "An act authorising the board of supervisors of the county of Dutchess to restore the distinction between county and town poor;" the bill entitled "An act concerning the district attorney of the county of Schoharie;" the bill entitled "An act to provide for paying the debts of insolvent safety fund banks," and the bill entitled "An act to compel the trustees of the Lancaster school in the village of Poughkeepsie to pay over certain school monies to the board of education in said village," and request the concurrence of the Assembly in the same.

The said bills were severally read the first time, and by unanimous consent were also read a second time, and the bill entitled "An act to authorise the supervisors of the county of Montgomery to lay a tax upon the town of Palatine," was referred to the committee on the internal affairs of towns and counties; the bill entitled "An act for the relief of Daniel W. Wing," was referred to the committee on claims; the bill entitled "An act authorising the board of supervisors of the county of Dutchess to restore the distinction between county and town poor," was referred to the committee on the internal affairs of towns and counties; the bill entitled "An act concerning the district attorney of the county of Schoharie," was referred to the committee on the judiciary; the bill entitled "An act to provide for paying the debts of insolvent safety fund banks," was referred to the committee on banks and insurance companies; and the bill entitled "An act to compel the trustees of the Lancaster school in the village of Poughkeepsie to pay over certain school monies to the board of education in said village," was referred to the committee on colleges, academies and common schools.

A message from the Senate, with the bills therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act authorising a loan from the Common School Fund to the county of Jefferson, to defray the expenses of building a bridge across Black river at Watertown;" and the bill entitled "An act to authorise the laying out of a road from Morehouse to Salisbury," severally without amendment.

*Ordered,* That the Clerk deliver the said bills to the Governor.

A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
*Albany, April 12, 1845.* }

TO THE ASSEMBLY.

I have this day approved and signed the bill entitled "An act to extend the acts to promote agriculture."

Also the bill entitled "An act for the relief of the New-York Institution for the Blind."

And also the bill entitled "An act to amend an act entitled 'An act to incorporate the Washington Volunteer Fire Company in the village of Troy.'"

SILAS WRIGHT.

The House then resolved itself into a committee of the whole, on the bill entitled "An act to amend the act entitled 'An act to amend an act to incorporate the Leake and Watts Orphan House in the city of New-York,' passed April 13th, 1844 ;" on the bill entitled "An act for the laying out of a highway along the Chenango canal, from the Cherry-valley turnpike to the Oriskany falls ;" on the bill entitled "An act for the relief of Patrick Cooney ;" on the bill entitled "An act for the relief of Isaac I. Yates and Joseph Y. Vanderbogart ;" on the bill entitled "An act to authorise the canal commissioners to lease certain surplus waters of the Erie canal to Roderick Price ;" and on the bill entitled "An act to amend an act entitled 'An act for the relief of Ira Pearsons and Ira Pearsons junior,' passed March 23d, 1844 ;" and after some time spent thereon, Mr. Speaker resumed the chair, and announced that the hour of half past one o'clock had arrived.

Whereupon,

The House took a recess until half past three o'clock this afternoon.

---

HALF PAST THREE O'CLOCK P. M.

The House again met.

The House, in committee of the whole, resumed the consideration of the several bills before said committee at the hour of taking the recess ; and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Bowen, from the said committee, reported, that the committee had gone through the bill entitled "An act to amend the act entitled 'An act to amend an act to incorporate the Leake and Watts Orphan House in the city of New-York,' passed April 13, 1844," made sundry amendments thereto, and agreed to the same ; which he was directed to report to the house.

On motion of Mr. M. Brooks,

*Ordered*, That the said bill be referred to a select committee, consisting of Mr. Thompson, Mr. Wheeler and Mr. Morrison, with instructions to report the same complete.

Mr. Bowen, from the same committee, reported, that the committee had gone through the bill entitled "An act for the laying out of a high-



way along the Chenango canal, from the Cherryvalley turnpike to the Oriskany falls," made sundry amendments thereto, and agreed to the same; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. Bowen, from the same committee, reported, that the committee had gone through the bill entitled "An act for the relief of Patrick Cooney," made sundry amendments thereto, and agreed to the same; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. Bowen, from the same committee, reported, that the committee had gone through the bill entitled "An act for the relief of Isaac I. Yates and Joseph Y. Vanderbogart," made an amendment thereto, and agreed to the same; which was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. Bowen, from the same committee, reported, that the committee had gone through the bill entitled "An act to authorise the canal commissioners to lease certain surplus waters of the Erie canal to Roderick Price," and agreed to the same without amendment; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. Bowen, from the same committee, reported, that the committee had gone through the bill entitled "An act to amend an act entitled 'An act for the relief of Ira Pearsons and Ira Pearsons junior,' passed March 23d, 1844," and agreed to the same without amendment; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

A message from the Senate, with the bills therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act to provide for the safe keeping of the cabinets of natural history, and for other purposes;" the bill entitled "An act for the relief of Ruth Hawks," and the bill entitled "An act providing for the distribution of copies of the General Index of the Documents and Laws of this State," and request the concurrence of the Assembly in the same.

The said bills were severally read the first time, and by unanimous consent were also read a second time, and the bill entitled "An act to provide for the safe keeping of the cabinets of natural history, and for other purposes," was referred to the joint library committee; the bill entitled "An act for the relief of Ruth Hawks," was referred to the committee on claims; and the bill entitled "An act providing for the distribution of copies of the General Index of the Documents and Laws of this State," was referred to the joint library committee.

The bill entitled "An act to divide the town of New-Paltz;" and the bill entitled "An act to incorporate the Wandowenock, fire, hook and ladder company," were returned from the Senate.

*Ordered,* That the Clerk deliver the said bills to the Governor.

The House then resolved itself into a committee of the whole, on the bill entitled "An act to annex a part of the town of Busti to the town of Ellicot;" on the bill entitled "An act for the relief of George Gardner and others;" on the bill entitled "An act to extend for a limited period the charter of the Commercial Bank of Albany, and to amend the same;"



on the bill entitled "An act relative to the State Prison at Mountpleasant;" on the bill entitled "An act relative to the State Prison at Auburn;" on the bill entitled "An act for the relief of John Watkins," and on the bill entitled "An act for the relief of Mary Murray and others;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. L. H. Brown, from the said committee, reported, that the committee had gone through the bill entitled "An act to annex a part of the town of Busti to the town of Ellicott," and agreed to the same without amendment; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. L. H. Brown, from the same committee, reported, that the committee had gone through the bill entitled "An act for the relief of George Gardner and others," and agreed to the same without amendment; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. L. H. Brown, from the same committee, reported, that the committee had gone through the bill entitled "An act to extend for a limited period the charter of the Commercial Bank of Albany, and to amend the same," made sundry amendments thereto, and agreed to the same; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. L. H. Brown, from the same committee, reported, that the committee had gone through the bill entitled "An act relative to the State Prison at Mountpleasant," made sundry amendments thereto, and agreed to the same; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. L. H. Brown, from the same committee, reported, that the committee had gone through the bill entitled "An act relative to the State Prison at Auburn," made sundry amendments thereto, and agreed to the same; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. L. H. Brown, from the same committee, reported, that the committee had gone through the bill entitled "An act for the relief of John Watkins," made an amendment thereto, and agreed to the same; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. L. H. Brown, from the same committee, reported, that the committee had gone through the bill entitled "An act for the relief of Mary Murray and others," and agreed to the same without amendment; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

By unanimous consent,

Mr. Comstock offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That the bill entitled "An act to incorporate the village of New-London," be taken from the general orders, and referred to the committee on the incorporation of cities and villages, with instructions to report the same complete.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

By unanimous consent,

Mr. Bloss offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill entitled "An act to incorporate the Empire Mutual Insurance Company," be taken from the general orders, and referred to a select committee, consisting of the members attending this house from the county of Monroe, to report the same complete.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

*Ordered*, That Mr. Huntington have leave of absence for fourteen days.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to provide for the erection of a town-house in the town of Gouverneur in the county of St. Lawrence ;" the bill entitled "An act to incorporate the Port Byron and Savannah Turnpike Road and Bridge Company ;" the bill entitled "An act to increase the fees of the collector of the town of St. Armand in the county of Essex ;" the bill entitled "An act to increase the members of Fire Company No. 2 in the village of South-Middletown, Orange county;" the bill entitled "An act for the relief of Michael Quarters ;" the bill entitled "An act to authorise the trustees of the Presbyterian Church and Society in the town of Dansville in the county of Steuben, to sell their real estate ;" the bill entitled "An act to amend the Revised Statutes, in reference to documentary evidence ;" the bill entitled "An act for the more particularly defining the limits and boundaries of the town of Ballston in the county of Saratoga ;" the bill entitled "An act for the relief of Abiel Payne ;" the bill entitled "An act to authorise the levying of a tax in the town of Bethany ;" and the bill entitled "An act to amend an act entitled "An act authorising a loan of certain monies belonging to the United States, deposited with the State of New-York for safe keeping," passed April 4th, 1837," and found the same severally correctly engrossed.

*Ordered*, That the said bills do have their third reading.

On motion of Mr. Hall,

The House then adjourned to ten o'clock to-morrow morning.

TUESDAY, APRIL 15, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Wyckoff.

The minutes of yesterday were read and approved.

The remonstrance of the president and directors of the Buffalo and Williamsville Macadam Road Company, against the incorporation of the Buffalo and Lancaster Plank Road Company, was read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the city of Rochester, praying for the immediate abolition of capital punishment, was read, and referred to the select committee on that subject.

The remonstrance of sundry inhabitants of the county of Orange, against any alteration of the charter of the Montgomery Academy, was read, and referred to the committee on colleges, academies and common schools.

The petition of sundry inhabitants of the county of Yates, praying for the passage of a law to reduce the town and county expenses in said county, was read, and referred to the committee on the internal affairs of towns and counties.

Four several petitions of sundry inhabitants of the city of New-York, praying for the passage of a law authorising the erection of a bridge across the Hudson river at the city of Albany, were read, and referred to the committee of the whole when on the bill upon that subject.

Ten several remonstrances of sundry inhabitants of the city of New-York, against the erection of a bridge across the Hudson river at the city of Albany, were read, and referred to the committee of the whole when on the bill upon that subject.

Mr. Morrison, from the committee on railroads, to which was referred sundry petitions for reducing and regulating the fare of passengers, and for the appointment of a railroad commissioner to superintend the regulation of railroads, together with the remonstrances of sundry railroad companies of this State, and to which was also recommitted the bill regulating the fare on certain railroads, reported in writing, and concluded by offering the following resolution, to wit :

*Resolved*, That the petitions of sundry inhabitants of Cayuga and other counties herein referred to, ought not to be granted, and the committee be discharged from the further consideration thereof.

[See Document No. 224.]

On motion of Mr. Bush,

*Ordered*, That the said resolution be laid on the table.

On motion of Mr. Russell,

*Ordered*, That the said report be referred to the committee on the public printing.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act for the relief of Patrick Fitzsimmons and James Brady," and found the same correctly engrossed.

*Ordered,* That the said bill do have its third reading.

Mr. Dickson, from the committee on the petitions of aliens, to which was referred the petition of J. Horsely Palmer, an alien, for permission to hold real estate, reported favorably to the prayer of the petitioner, and asked leave to bring in a bill.

Leave being granted, Mr. Dickson accordingly brought in the said bill, entitled "An act to authorise J. Horsely Palmer to hold and convey real estate;" which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. Comstock,

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Frisbee, from the committee on roads and bridges, to which was referred the bill entitled "An act concerning the Seneca Turnpike Road Company," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. S. Miller, from the committee on colleges, academies and common schools, to which was referred the bill entitled "An act to amend an act to incorporate the Rensselaer Oswego Academy, passed April 13th, 1826," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the bill from the Senate, entitled "An act authorising the board of supervisors of the county of Dutchess to restore the distinction between county and town poor," reported, that the committee had examined the said bill, and made sundry amendments thereto, and saw no reason why the said amended bill should not be passed into a law.

*Ordered,* That the said bill be committed to a committee of the whole house.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the bill from the Senate, entitled "An act to authorise the supervisors of the county of Montgomery to lay a tax upon the town of Palatine," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered,* That the said bill be committed to a committee of the whole house.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the petition of sundry inhabitants of the



county of Hamilton, relative to an act for building a jail, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Chase accordingly brought in the said bill, entitled "An act to repeal an act in relation to the building of a jail in the county of Hamilton, passed March 22d, 1844;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act relative to collector's fees in the town of Glenville, Schenectady county, and for other purposes," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to incorporate the Fire Engine Company of East-Albany," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the Williamsburgh Fire Insurance Company,'" with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Harden, from the committee on colleges, academies and common schools, to which was referred the bill entitled "An act to incorporate the Spencertown Academy," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Constant, from the joint library committee, to which was referred the bill from the Senate, entitled "An act providing for the distribution of copies of the General Index of the Documents and Laws of this State," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered,* That the said bill be committed to a committee of the whole house.

Mr. Constant, from the joint library committee, to which was referred

the bill from the Senate, entitled "An act to provide for the safe keeping of the cabinets of natural history, and for other purposes," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Oakley, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to incorporate the Farmers' Mutual Insurance Company of Erie county;" the bill entitled "An act to extend for a limited period the charter of the Commercial Bank of Albany, and to amend the same;" the bill entitled "An act to erect the town of Union in the county of Steuben;" and the bill entitled "An act to amend an act entitled 'An act for the relief of Ira Pearsons and Ira Pearsons junior,' passed March 23d, 1844," and found the same severally correctly engrossed.

*Ordered*, That the said bills do have their third reading.

Mr. M'Carthy, from the select committee to which was referred the several petitions relative to the reduction of costs and fees in courts of law, reported in writing, and concluded by offering the following resolution, to wit :

*Resolved*, That the prayer of the petitioners ought not to be granted, and that the committee be discharged from the further consideration of the said petitions.

[See Document No. 227.]

On motion of Mr. Raymond,

*Ordered*, That the said resolution be laid on the table.

On motion of Mr. Russell,

*Ordered*, That the said report be referred to the committee on the public printing.

Mr. L. H. Brown, from the committee on colleges, academies and common schools, to which was referred the bill entitled "An act to incorporate the Fonda Academy," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. L. H. Brown, from the committee on colleges, academies and common schools, to which was referred the petition of sundry inhabitants of the county of Onondaga, for the passage of an act relative to the school monies of said county, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. L. H. Brown accordingly brought in the said bill, entitled "An act providing a time for apportioning school monies in the several towns in the county of Onondaga, for the safe keeping of the same;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

By unanimous consent,

Mr. Wyckoff offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill entitled "An act to amend an act entitled 'An act to incorporate the Kings County Mutual Insurance Company,' passed April 1st, 1844," be referred to the committee on banks and insurance companies, to report complete; and that the bill entitled "An act to amend the act entitled 'An act relative to common schools for the city of Brooklyn,' passed March 23d, 1843," be ordered to a third reading.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

By unanimous consent,

Mr. Worden offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill entitled "An act to enable resident aliens to hold and convey real estate," be ordered to be engrossed for a third reading.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Worden, from the select committee to which was recommitted the bill entitled "An act in relation to the construction of the New-York and Erie railroad," reported in part, that the committee had examined the said bill, and made sundry amendments thereto, and saw no reason why the said amended bill should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house, and retain its priority on the general orders.

Mr. Hervey, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to incorporate the Gemileth Chesed, or Hebrew Mutual Benefit Society of the city of New-York," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Jones, from the select committee to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the Long Island Railroad Company,'" with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Jones, from the select committee to which was referred the bill entitled "An act to amend an act entitled 'An act incorporating the Long Island Railroad Company,' passed April 24th, 1834," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with



the committee in their report, and it was determined in the affirmative.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Thompson, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to incorporate the trustees for the management and care of the fund for the support of the Episcopate of the Diocese of New-York," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Thompson, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to incorporate the Domestic and Foreign Missionary Society of the Protestant Episcopal Church of the United States of America," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Titus, from the committee on trade and manufactures, to which was referred the bill entitled "An act to amend an act passed seventh day of May, 1844, for the better security of mechanics and others," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Titus, from the committee on trade and manufactures, to which was referred the bill entitled "An act to incorporate the Ronkonkama Lake Ice Company," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Titus, from the committee on trade and manufactures, to which was referred the bill entitled "An act to amend the charter of the Herkimer Manufacturing and Hydraulic Society," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Titus, from the committee on trade and manufactures, to which was referred the bill entitled "An act to incorporate the United States Curvilinear Sawing Company," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.



Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

By unanimous consent, and

In pursuance of previous notice, Mr. Searing asked for and obtained leave to bring in a bill, entitled "An act to reduce costs and fees in the Court of Chancery, and for other purposes;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
Albany, April 14, 1845. }

TO THE ASSEMBLY.

I have this day approved and signed the bill entitled "An act authorising a loan from the Common School Fund to the county of Jefferson, to defray the expenses of building a bridge across Black river at Watertown."

And also the bill entitled "An act to authorise the laying out of a road from Morehouse to Salisbury."

SILAS WRIGHT.

A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
Albany, April 15, 1845. }

TO THE ASSEMBLY.

I have this day approved and signed the bill entitled "An act to incorporate the Wandowenock, fire, hook and ladder company."

And also the bill entitled "An act to divide the town of New-Paltz."

SILAS WRIGHT.

The report of the Canal Commissioners, in answer to a resolution of the Assembly, relative to the amount of work done on the enlarged Erie canal, and the cost thereof, since the passage of the law of 1842, was received and read.

[See Document No. 225.]

On motion of Mr. Howard,

*Ordered*, That ten times the usual number of copies of said report be printed for the use of the Legislature.

The engrossed bill from the Senate, entitled "An act to enforce the laws and preserve order," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

By unanimous consent,

Mr. Wynant offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill entitled "An act to incorporate the Mechanics' and Workingmen's Association of Williamsburgh," and the bill entitled "An act to incorporate the Williamsburgh Lyceum," be referred to the committee on charitable and religious societies, to report complete.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

The hour of twelve o'clock at noon having arrived,

The House again resolved itself into a committee of the whole, on the bill entitled "An act recommending a Convention of the People of this State;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Bevins, from the said committee, reported progress, and asked for and obtained leave to sit again.

The engrossed bill entitled "An act to erect the town of Union in the county of Steuben," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill entitled "An act to provide for the erection of a town-house in the town of Gouverneur in the county of St. Lawrence," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill entitled "An act in relation to the support of the poor in the county of Wayne," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bills to the Senate, and request their concurrence in the same.

By unanimous consent,

Mr. Bailey offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill entitled "An act relative to the West-Point Foundry Association," be taken from the general orders, and referred to a select committee, consisting of the members attending this house from the counties of Putnam and Westchester, with instructions to report complete.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

The engrossed bill entitled "An act relative to purchasers at receiver's sales," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill entitled "An act for the relief of Michael Quarters," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bills to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to promote the education and moral improvement of minors employed in the business of navigating the canals of this State," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.

{ AYES 46 }  
{ NAYS 45 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |               |                  |
|-----------------|---------------|------------------|
| Mr. Barber      | Mr. Giffard   | Mr. Oakley       |
| Mr. Betts       | Mr. D. Gould  | Mr. Porter       |
| Mr. Billings    | Mr. Hall      | Mr. Raymond      |
| Mr. Bloss       | Mr. Harden    | Mr. Rice         |
| Mr. Bowen       | Mr. Harris    | Mr. A. C. Smith  |
| Mr. S. A. Brown | Mr. Hervey    | Mr. W. Smith     |
| Mr. Cameron     | Mr. Hine      | Mr. Speaker      |
| Mr. Casner      | Mr. Jones     | Mr. J. Stevenson |
| Mr. Coe         | Mr. Long      | Mr. Sweeney      |
| Mr. Comstock    | Mr. M'Key     | Mr. Thayer       |
| Mr. Culver      | Mr. M'Vean    | Mr. Thompson     |
| Mr. Dewey       | Mr. Mersereau | Mr. Wells        |
| Mr. Edwards     | Mr. S. Miller | Mr. White        |
| Mr. Fellows     | Mr. Morrison  | Mr. A. W. Young  |
| Mr. Field       | Mr. Niven     | Mr. J. Young     |
| Mr. Frisbee     |               |                  |

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Those who voted in the negative are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Bachman     | Mr. Fonda      | Mr. C. B. Miller    |
| Mr. Bagg        | Mr. Gregory    | Mr. Moulton         |
| Mr. Bailey      | Mr. Hannum     | Mr. Newkirk         |
| Mr. Boughton    | Mr. Hazelton   | Mr. Pierce          |
| Mr. J. Brooks   | Mr. Heermans   | Mr. Preston         |
| Mr. M. Brooks   | Mr. Horton     | Mr. Rogers          |
| Mr. Brower      | Mr. Howard     | Mr. Russell         |
| Mr. L. H. Brown | Mr. Jarvis     | Mr. Sager           |
| Mr. A. H. Buell | Mr. Johnson    | Mr. Searing         |
| Mr. Bunker      | Mr. Kinne      | Mr. R. L. Stevenson |
| Mr. Burdick     | Mr. Knapp      | Mr. Tefft           |
| Mr. Carpenter   | Mr. Litchfield | Mr. Titus           |
| Mr. Crain       | Mr. M'Carthy   | Mr. Tuthill         |
| Mr. Danforth    | Mr. M'Donald   | Mr. Van Schoonhoven |
| Mr. Dickson     | Mr. Mann       | Mr. Walrath         |

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*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to amend an act entitled 'An act for the relief of Ira Pearsons and Ira Pearsons junior,' passed March 23d, 1844," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill entitled "An act to amend the Revised Statutes, in reference to documentary evidence," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill entitled "An act authorising the levying of a tax in the town of Bethany," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bills to the Senate, and request their concurrence in the same.

The hour of half past one o'clock having arrived,

The House took a recess until half past three o'clock this afternoon.

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### HALF PAST THREE O'CLOCK, P. M.

The House again met.

The engrossed bill entitled "An act to increase the fees of the collector of the town of St. Armand in the county of Essex," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill entitled "An act for the more particularly defining the limits and boundaries of the town of Ballston in the county of Saratoga," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill entitled "An act to amend an act entitled 'An act authorising a loan of certain monies belonging to the United States, deposited with the State of New-York for safe keeping,' passed April 4th, 1837," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bills to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act for the relief of Patrick Fitzsimmons and James Brady," was read the third time.

Mr. Chase moved to lay the question on the final passage of the said bill on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Chase, and it was determined in the affirmative.

The engrossed bill entitled "An act for the relief of Abiel Payne," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. Edwards moved a reconsideration of the vote on the final passage of the bill entitled "An act to promote the education and moral improvement of minors employed in the business of navigating the canals of this State," and that the question on the said motion be laid on the table.

Mr. Speaker then put the question whether the House would agree said motion of Mr. Edwards, and it was determined in the affirmative.

The House then again resolved itself into a committee of the whole, on the bill entitled "An act to provide for the removal of cases decided by the Canal Board, to the Supreme Court, by certiorari;" and on the bill from the Senate, entitled "An act relating to the State Library;" and after some time spent thereon, Mr. Speaker resumed the chair, and



Mr. Hine, from the said committee, reported, that the committee had gone through the bill entitled "An act to provide for the removal of cases decided by the Canal Board, to the Supreme Court, by certiorari," made sundry amendments thereto, and agreed to the same; which he was directed to report to the house.

Mr. Speaker put the question whether the House would agree with the committee of the whole in their report on the said bill, and it was determined in the affirmative.

{ AYES 65 }  
{ NAYS 37 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Barber       | Mr. Hammond    | Mr. Oakley          |
| Mr. Betts        | Mr. Hannum     | Mr. Raymond         |
| Mr. Bloss        | Mr. Harris     | Mr. Rice            |
| Mr. Bowen        | Mr. Heermans   | Mr. Sager           |
| Mr. S. A. Brown  | Mr. Hervey     | Mr. W. Smith        |
| Mr. Bunker       | Mr. Hine       | Mr. Speaker         |
| Mr. Bush         | Mr. Horton     | Mr. Spring          |
| Mr. Cameron      | Mr. Howard     | Mr. J. Stevenson    |
| Mr. Casner       | Mr. Hunt       | Mr. Sweeney         |
| Mr. Coe          | Mr. Jarvis     | Mr. Thompson        |
| Mr. Comstock     | Mr. Jones      | Mr. Tuthill         |
| Mr. C. F. Crosby | Mr. D. Lee     | Mr. Van Schoonhoven |
| Mr. Culver       | Mr. Litchfield | Mr. Walrath         |
| Mr. Dewey        | Mr. Long       | Mr. Wells           |
| Mr. Edwards      | Mr. M'Carthy   | Mr. Wheeler         |
| Mr. Fellows      | Mr. M'Key      | Mr. Wilcox          |
| Mr. Field        | Mr. M'Vean     | Mr. Worden          |
| Mr. Fonda        | Mr. Mann       | Mr. Wyckoff         |
| Mr. Frisbee      | Mr. Mersereau  | Mr. Wynant          |
| Mr. Gifford      | Mr. Morrison   | Mr. A. W. Young     |
| Mr. D. Gould     | Mr. Niven      | Mr. J. Young        |
| Mr. Hall         |                |                     |

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Those who voted in the negative are

|                 |               |                     |
|-----------------|---------------|---------------------|
| Mr. Bagg        | Mr. Gregory   | Mr. Porter          |
| Mr. Billings    | Mr. Harden    | Mr. Preston         |
| Mr. Boughton    | Mr. Hazelton  | Mr. Rogers          |
| Mr. J. Brooks   | Mr. Johnson   | Mr. Salisbury       |
| Mr. M. Brooks   | Mr. Kinne     | Mr. Searing         |
| Mr. Brower      | Mr. Knapp     | Mr. A. C. Smith     |
| Mr. L. H. Brown | Mr. M'Donald  | Mr. R. L. Stevenson |
| Mr. A. H. Buell | Mr. S. Miller | Mr. Tefft           |
| Mr. Burdick     | Mr. Morris    | Mr. Thayer          |

Mr. Chase  
Mr. Constant  
Mr. Danforth  
Mr. Dickson

Mr. Moulton  
Mr. Newkirk  
Mr. Pierce

Mr. Titus  
Mr. White  
Mr. Whitney

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*Ordered*, That the said bill be engrossed for a third reading.

Mr. Hine, from the same committee, reported, that the committee had gone through the bill from the Senate, entitled "An act relative to the State Library," made sundry amendments thereto, and agreed to the same; which report was agreed to by the house, and the amendments ordered to be engrossed, and the bill to have its third reading.

The House then proceeded to the consideration of the bill from the Senate, entitled "An act to increase the capital of the Common School Fund."

The question recurred on agreeing to the motion made by Mr. Niven on a previous day, to reconsider the vote on the question of agreeing with the report of the committee of the whole on the said bill.

Mr. Niven withdrew his said motion.

Whereupon,

*Ordered*, That the said bill do have its third reading.

By unanimous consent, and

In pursuance of previous notice, Mr. Brower asked for and obtained leave to bring in a bill, entitled "An act to authorise the appointment of a supreme court commissioner to reside at Mayville in the county of Chautauque, and for other purposes;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

Mr. Hammond, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to amend an act entitled 'An act to incorporate the Long Island Railroad Company,'" and the bill entitled "An act for the relief of Patrick Cooney," and found the same severally correctly engrossed.

*Ordered*, That the said bills do have their third reading.

On motion of Mr. M. Brooks,

The House then adjourned to ten o'clock to-morrow morning.

## WEDNESDAY, APRIL 16, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Welch.

The minutes of yesterday were read and approved.

The petition of sundry inhabitants of the county of Lewis, praying for the construction of the Black River canal, was read, and referred to the committee on canals.

The petition of the trustees of Fredonia Academy, praying to be reimbursed for outlays in establishing a teacher's department, and also to be furnished with the geological surveys, was read, and referred to the committee on colleges, academies and common schools.

The petition of sundry inhabitants of the county of Steuben, praying for the passage of a law to reduce the tolls on lumber and the inspection of the same, was read, and referred to a select committee.

The petition of sundry inhabitants of the county of Orange, praying for an amendment of the charter of the village of Goshen in said county, was read, and referred to the committee on the incorporation of cities and villages.

The petition of the mayor and aldermen of the city of New-York, praying for the passage of an act in relation to the Croton water-works in said city, was read, and referred to the committee on the incorporation of cities and villages.

Two several petitions of sundry inhabitants of the counties of Steuben and Ontario, praying for the incorporation of a company to construct a railroad from Canandaigua to Corning, were read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of sundry inhabitants of the county of Ulster, against the incorporation of the American and Foreign Bible Society, was read, and referred to the committee of the whole when on the bill upon that subject.

Two several remonstrances of sundry inhabitants of the cities of York and Rochester, against the erection of a bridge across the Hudson river at the city of Albany, were read, and referred to the committee of the whole when on the bill upon that subject.

Mr. Tefft, from the committee on claims, to which was recommitted the petition of Merrit Clark and others, for relief, reported unfavorably to the prayer of the petitioners, and offered the following resolution :

*Resolved*, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Tefft, from the committee on claims, to which was referred the petition of Ledyard and Matthews, for relief, reported in writing, and concluded by offering the following resolution, to wit :

*Resolved*, That the committee on claims be discharged from the further consideration of the petition of Ledyard and Matthews.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Tefft, from the committee on claims, to which was referred the bill from the Senate, entitled "An act for the relief of Ruth Hawks," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the petition of sundry inhabitants of the county of Westchester, for the passage of an act equalizing the representation of the towns in the board of supervisors of said county, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Chase accordingly brought in the said bill, entitled "An act relative to the appointment of superintendents of the poor in the county of Westchester;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Walrath, from the committee on the public printing, to which was referred the report of the Attorney General, relative to the New-York and Erie railroad; the report of the committee on railroads, and the report of the select committee on the equalization of lawyer's fees, reported in the words following, to wit :

The committee on printing, to which was referred the motion for printing the report of the Attorney General, have had the same under consideration, and report to the house the printing of ten times the usual number; also the report of the committee on railroads, and recommend the printing of ten times the usual number; also the report of the select committee for the equalization of lawyer's fees, and would report five times the usual number.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

Mr. A. H. Buell, from the committee on banks and insurance companies, to which was referred the bill from the Senate, entitled "An act to provide for paying the debts of the insolvent safety fund banks," reported, that the committee had examined the said bill, and made sundry amendments thereto, and saw no reason why the said amended bill should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. L. H. Brown, from the committee on colleges, academies and common schools, to which was referred so much of the message of the Governor as relates to the Normal School, reported, and asked for and obtained leave to bring in a bill, entitled "An act in relation to the Normal School;" which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. M. Brooks,

*Ordered*, That the said bill be referred to the committee of the whole having charge of the first bills not acted upon on the general orders.



Mr. Walrath, from the committee on the public printing, in pursuance of a resolution of the Assembly, submitted a statement of the expenses of printing the documents, etc. of the House, in the words following, to wit :

### HON. J. I. WALRATH.

SIR,

Agreeable to your request, we furnish you with the subjoined statement of the amount of the Assembly printing, for bills, journal, and documents, up to the present date :

|  |                    |
|--|--------------------|
| For printing legislative Bills .....                     | \$1,457 19         |
| “ “ Journal of the house .....                           | 438 75             |
| “ “ Documents .....                                      | 15,561 88          |
| Estimated amount for Documents in process of printing .. | 300 00             |
| <hr/>  |                    |
| Total amount.....  | <u>\$17,757 82</u> |

Respectfully submitted,

CARROLL & COOK,

*Printers to the Assembly.*

*Albany, March 25, 1845.*

*Ordered,* That the said communication be laid on the table.

Mr. Brower, from the select committee to which was referred the bill entitled “An act for draining the Bashaskill swamp,” with instructions to report the same complete, reported, that the committee had examined the said bill, and made sundry amendments thereto, and saw no reason why the said amended bill should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Bailey, from the select committee to which was referred the bill entitled “An act to extend the charter of the West-Point Foundry Association,” with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered,* That the said bill be engrossed for a third reading.

By unanimous consent,

Mr. Whitney offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved,* That the bill entitled “An act to amend an act entitled ‘An act to incorporate the Greenhill Wharf Company,’ passed April 20th, 1830,” be referred to the committee on trade and manufactures, with instructions to report the same complete.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

The engrossed bill entitled “An act to incorporate the Ronkonkama Lake Ice Company,” was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 98 }  
{ NAYS 08 }

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Hammond      | Mr. Rogers          |
| Mr. Bagg         | Mr. Harden       | Mr. Ross            |
| Mr. Bailey       | Mr. Harris       | Mr. Russell         |
| Mr. Barber       | Mr. Heermans     | Mr. Sager           |
| Mr. Bevens       | Mr. Hervey       | Mr. Salisbury       |
| Mr. Billings     | Mr. Hine         | Mr. Searing         |
| Mr. Bowen        | Mr. Horton       | Mr. Sears           |
| Mr. J. Brooks    | Mr. Howard       | Mr. Sherman         |
| Mr. M. Brooks    | Mr. Hunt         | Mr. Skelton         |
| Mr. Brower       | Mr. Jarvis       | Mr. A. C. Smith     |
| Mr. L. H. Brown  | Mr. Johnson      | Mr. W. Smith        |
| Mr. A. H. Buell  | Mr. Jones        | Mr. Spring          |
| Mr. Burdick      | Mr. Kinne        | Mr. J. Stevenson    |
| Mr. Bush         | Mr. Knapp        | Mr. R. L. Stevenson |
| Mr. Casner       | Mr. D. Lee       | Mr. Sweeney         |
| Mr. Coe          | Mr. T. R. Lee    | Mr. Tefft           |
| Mr. Collins      | Mr. Litchfield   | Mr. Thompson        |
| Mr. Comstock     | Mr. Long         | Mr. Tibbits         |
| Mr. Constant     | Mr. M'Carthy     | Mr. Titus           |
| Mr. Crain        | Mr. M'Donald     | Mr. Tuthill         |
| Mr. C. F. Crosby | Mr. M'Key        | Mr. Van Schoonhoven |
| Mr. Culver       | Mr. M'Vean       | Mr. Van Valkenburgh |
| Mr. Danforth     | Mr. Mann         | Mr. Walrath         |
| Mr. Dewey        | Mr. Mersereau    | Mr. Wheeler         |
| Mr. Dickson      | Mr. C. B. Miller | Mr. White           |
| Mr. Edwards      | Mr. S. Miller    | Mr. Whitney         |
| Mr. Fellows      | Mr. Morrison     | Mr. Wilcox          |
| Mr. Fenn         | Mr. Moulton      | Mr. Worden          |
| Mr. Field        | Mr. Niven        | Mr. Wyckoff         |
| Mr. Fonda        | Mr. Oakley       | Mr. Wynant          |
| Mr. Frisbee      | Mr. Pierce       | Mr. A. W. Young     |
| Mr. Giffard      | Mr. Porter       | Mr. J. Young        |
| Mr. Gregory      | Mr. Raymond      |                     |

98

Those who voted in the negative are

|             |              |              |
|-------------|--------------|--------------|
| Mr. Bunker  | Mr. G. Goold | Mr. Hazelton |
| Mr. Cameron | Mr. Hall     | Mr. Wells    |
| Mr. Chase   | Mr. Hannum   |              |

8

*Ordered,* That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act for the relief of Patrick Cooney," was read the third time, and passed.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to change the location of Washington Park in the city of Brooklyn," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

} AYES 97 }  
} NAYS 00 }

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Hall         | Mr. Raymond         |
| Mr. Bagg         | Mr. Hammond      | Mr. Rogers          |
| Mr. Barber       | Mr. Hannum       | Mr. Ross            |
| Mr. Betts        | Mr. Harden       | Mr. Russell         |
| Mr. Bevens       | Mr. Harris       | Mr. Sager           |
| Mr. Billings     | Mr. Hazelton     | Mr. Salisbury       |
| Mr. Bowen        | Mr. Heermans     | Mr. Searing         |
| Mr. M. Brooks    | Mr. Hervey       | Mr. Sears           |
| Mr. Brower       | Mr. Hine         | Mr. Sherman         |
| Mr. L. H. Brown  | Mr. Horton       | Mr. A. C. Smith     |
| Mr. A. H. Buell  | Mr. Howard       | Mr. W. Smith        |
| Mr. Bunker       | Mr. Jarvis       | Mr. Spring          |
| Mr. Burdick      | Mr. Johnson      | Mr. J. Stevenson    |
| Mr. Cameron      | Mr. Jones        | Mr. R. L. Stevenson |
| Mr. Casner       | Mr. Kinne        | Mr. Sweeney         |
| Mr. Chase        | Mr. Knapp        | Mr. Tefft           |
| Mr. Coe          | Mr. D. Lee       | Mr. Thayer          |
| Mr. Collins      | Mr. Litchfield   | Mr. Tibbits         |
| Mr. Comstock     | Mr. Long         | Mr. Titus           |
| Mr. Constant     | Mr. M'Carthy     | Mr. Tuthill         |
| Mr. Crain        | Mr. M'Donald     | Mr. Van Schoonhoven |
| Mr. C. F. Crosby | Mr. M'Key        | Mr. Van Valkenburgh |
| Mr. Culver       | Mr. M'Vean       | Mr. Walrath         |
| Mr. Danforth     | Mr. Mersereau    | Mr. Wells           |
| Mr. Dewey        | Mr. C. B. Miller | Mr. Wheeler         |
| Mr. Dickson      | Mr. S. Miller    | Mr. White           |
| Mr. Edwards      | Mr. Moulton      | Mr. Whitney         |
| Mr. Fellows      | Mr. Niven        | Mr. Wilcox          |
| Mr. Fenn         | Mr. Oakley       | Mr. Worden          |
| Mr. Field        | Mr. Pardee       | Mr. Wyckoff         |
| Mr. Fonda        | Mr. Pierce       | Mr. A. W. Young     |
| Mr. Frisbee      | Mr. Porter       | Mr. J. Young        |
| Mr. Gregory      |                  |                     |

97

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to incorporate the Port Byron and Savannah Turnpike Road and Bridge Company," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 95 }  
{ NAYS 02 }

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bagg         | Mr. G. Goold     | Mr. Porter          |
| Mr. Barber       | Mr. Gregory      | Mr. Preston         |
| Mr. Betts        | Mr. Hall         | Mr. Raymond         |
| Mr. Bevens       | Mr. Hammond      | Mr. Rice            |
| Mr. Billings     | Mr. Hannum       | Mr. Rogers          |
| Mr. Bloss        | Mr. Harris       | Mr. Ross            |
| Mr. Bowen        | Mr. Heermans     | Mr. Sager           |
| Mr. J. Brooks    | Mr. Hervey       | Mr. Salisbury       |
| Mr. Brower       | Mr. Horton       | Mr. Searing         |
| Mr. L. H. Brown  | Mr. Howard       | Mr. Sears           |
| Mr. A. H. Buell  | Mr. Jarvis       | Mr. Sherman         |
| Mr. Bunker       | Mr. Johnson      | Mr. Skelton         |
| Mr. Burdick      | Mr. Jones        | Mr. A. C. Smith     |
| Mr. Cameron      | Mr. Kinne        | Mr. W. Smith        |
| Mr. Chase        | Mr. Knapp        | Mr. Spring          |
| Mr. Coe          | Mr. D. Lee       | Mr. J. Stevenson    |
| Mr. Collins      | Mr. Litchfield   | Mr. R. L. Stevenson |
| Mr. Comstock     | Mr. Long         | Mr. Sweeney         |
| Mr. Crain        | Mr. M'Donald     | Mr. Tefft           |
| Mr. C. F. Crosby | Mr. M'Key        | Mr. Tibbits         |
| Mr. Culver       | Mr. M'Vean       | Mr. Titus           |
| Mr. Danforth     | Mr. Mann         | Mr. Tuthill         |
| Mr. De Puy       | Mr. Mersereau    | Mr. Van Schoonhoven |
| Mr. Dewey        | Mr. C. B. Miller | Mr. Van Valkenburgh |
| Mr. Dickson      | Mr. S. Miller    | Mr. Wells           |
| Mr. Edwards      | Mr. Morris       | Mr. White           |
| Mr. Fellows      | Mr. Morrison     | Mr. Wilcox          |
| Mr. Fenn         | Mr. Moulton      | Mr. Worden          |
| Mr. Field        | Mr. Niven        | Mr. Wyckoff         |
| Mr. Fonda        | Mr. Oakley       | Mr. A. W. Young     |
| Mr. Frisbee      | Mr. Pardee       | Mr. J. Young        |
| Mr. Giffard      | Mr. Pierce       |                     |

95

Those who voted in the negative are

|             |             |
|-------------|-------------|
| Mr. Russell | Mr. Wheeler |
|-------------|-------------|

2

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.



The engrossed bill entitled "An act to provide for the removal of cases decided by the Canal Board, to the Supreme Court, by certiorari," was read the third time.

Debates were had thereon; when, the hour of twelve o'clock at noon having arrived, the Chair announced the special order of the House, being the consideration of the bill entitled "An act recommending a Convention of the People of this State."

On motion of Mr. J. Young,

*Ordered*, That the said special order be postponed until half past three o'clock this afternoon.

The House resumed the consideration of the bill entitled "An act providing for the removal of cases decided by the Canal Board, to the Supreme Court, by certiorari."

Debates were again had; when

Mr. Niven called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

{ AYES 62 }  
{ NAYS 41 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Barber       | Mr. G. Goold   | Mr. Raymond         |
| Mr. Betts        | Mr. Hammond    | Mr. Rice            |
| Mr. Bloss        | Mr. Hannum     | Mr. Ross            |
| Mr. Bowen        | Mr. Harris     | Mr. Sears           |
| Mr. Bunker       | Mr. Heermans   | Mr. Sherman         |
| Mr. Cameron      | Mr. Hine       | Mr. W. Smith        |
| Mr. Casner       | Mr. Horton     | Mr. Speaker         |
| Mr. Coe          | Mr. Johnson    | Mr. Spring          |
| Mr. Collins      | Mr. Jones      | Mr. J. Stevenson    |
| Mr. Comstock     | Mr. D. Lee     | Mr. Sweeney         |
| Mr. C. F. Crosby | Mr. Litchfield | Mr. Tibbits         |
| Mr. Culver       | Mr. Long       | Mr. Tuthill         |
| Mr. De Puy       | Mr. M'Carthy   | Mr. Van Schoonhoven |
| Mr. Dewey        | Mr. M'Vean     | Mr. Walrath         |
| Mr. Edwards      | Mr. Mann       | Mr. Wells           |
| Mr. Fellows      | Mr. Mersereau  | Mr. Wheeler         |
| Mr. Fenn         | Mr. Morrison   | Mr. Wilcox          |
| Mr. Field        | Mr. Moulton    | Mr. Worden          |
| Mr. Fonda        | Mr. Niven      | Mr. A. W. Young     |
| Mr. Frisbee      | Mr. Oakley     | Mr. J. Young        |
| Mr. Giffard      | Mr. Pierce     |                     |

Those who voted in the negative are

|                 |               |                     |
|-----------------|---------------|---------------------|
| Mr. Bagg        | Mr. Hazelton  | Mr. Russell         |
| Mr. Bailey      | Mr. Hervey    | Mr. Sager           |
| Mr. J. Brooks   | Mr. Jarvis    | Mr. Salisbury       |
| Mr. Brower      | Mr. Kinne     | Mr. Searing         |
| Mr. A. H. Buell | Mr. Knapp     | Mr. Skelton         |
| Mr. Burdick     | Mr. T. R. Lee | Mr. A. C. Smith     |
| Mr. Carpenter   | Mr. M'Donald  | Mr. R. L. Stevenson |
| Mr. Chase       | Mr. S. Miller | Mr. Tefft           |
| Mr. Constant    | Mr. Morris    | Mr. Thayer          |
| Mr. Crain       | Mr. Newkirk   | Mr. Titus           |
| Mr. Danforth    | Mr. Pardee    | Mr. White           |
| Mr. Dickson     | Mr. Porter    | Mr. Whitney         |
| Mr. Gregory     | Mr. Preston   | Mr. Wynant          |
| Mr. Harden      | Mr. Rogers    |                     |

41

Whereupon,

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.

{ AYES 66 }  
{ NAYS 40 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Bachman      | Mr. G. Goold   | Mr. Rice            |
| Mr. Barber       | Mr. Hammond    | Mr. Ross            |
| Mr. Betts        | Mr. Hannum     | Mr. Sager           |
| Mr. Bloss        | Mr. Harris     | Mr. Sears           |
| Mr. Bowen        | Mr. Heermans   | Mr. Sherman         |
| Mr. Bunker       | Mr. Hine       | Mr. W. Smith        |
| Mr. Cameron      | Mr. Horton     | Mr. Speaker         |
| Mr. Casner       | Mr. Jarvis     | Mr. Spring          |
| Mr. Coe          | Mr. Johnson    | Mr. J. Stevenson    |
| Mr. Collins      | Mr. Jones      | Mr. Sweeney         |
| Mr. Comstock     | Mr. D. Lee     | Mr. Tibbits         |
| Mr. C. F. Crosby | Mr. Litchfield | Mr. Tutthill        |
| Mr. Culver       | Mr. Long       | Mr. Van Schoonhoven |
| Mr. De Puy       | Mr. M'Carthy   | Mr. Van Valkenburgh |
| Mr. Dewey        | Mr. M'Vean     | Mr. Walrath         |
| Mr. Edwards      | Mr. Mann       | Mr. Wells           |
| Mr. Fellows      | Mr. Mersereau  | Mr. Wheeler         |
| Mr. Fenn         | Mr. Morrison   | Mr. Wilcox          |
| Mr. Field        | Mr. Moulton    | Mr. Worden          |
| Mr. Fonda        | Mr. Niven      | Mr. Wynant          |
| Mr. Frisbee      | Mr. Oakley     | Mr. A. W. Young     |
| Mr. Giffard      | Mr. Raymond    | Mr. J. Young        |

66

Those who voted in the negative are

|                 |               |                     |
|-----------------|---------------|---------------------|
| Mr. Bagg        | Mr. Gregory   | Mr. Preston         |
| Mr. Bailey      | Mr. Harden    | Mr. Rogers          |
| Mr. J. Brooks   | Mr. Hazelton  | Mr. Russell         |
| Mr. M. Brooks   | Mr. Hervey    | Mr. Salisbury       |
| Mr. Brower      | Mr. Kinne     | Mr. Searing         |
| Mr. L. H. Brown | Mr. Knapp     | Mr. Skelton         |
| Mr. A. H. Buell | Mr. T. R. Lee | Mr. A. C. Smith     |
| Mr. Burdick     | Mr. M'Donald  | Mr. R. L. Stevenson |
| Mr. Carpenter   | Mr. S. Miller | Mr. Tefft           |
| Mr. Chase       | Mr. Morris    | Mr. Thayer          |
| Mr. Constant    | Mr. Pardee    | Mr. Tiues           |
| Mr. Crain       | Mr. Pierce    | Mr. White           |
| Mr. Danforth    | Mr. Porter    | Mr. Whitney         |
| Mr. Dickson     |               |                     |

40

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to extend for a limited period the charter of the Commercial Bank of Albany, and to amend the same," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 107 }  
{ NAYS 09 }

Those who voted in the affirmative are

|               |                |                     |
|---------------|----------------|---------------------|
| Mr. Bachman   | Mr. Hannum     | Mr. Raymond         |
| Mr. Bagg      | Mr. Harden     | Mr. Rice            |
| Mr. Barber    | Mr. Harris     | Mr. Rogers          |
| Mr. Betts     | Mr. Hazelton   | Mr. Ross            |
| Mr. Bevens    | Mr. Heermans   | Mr. Sager           |
| Mr. Billings  | Mr. Hervey     | Mr. Salisbury       |
| Mr. Bloss     | Mr. Hine       | Mr. Searing         |
| Mr. Boughton  | Mr. Horton     | Mr. Sears           |
| Mr. Bowen     | Mr. Howard     | Mr. Sherman         |
| Mr. M. Brooks | Mr. Hunt       | Mr. Skelton         |
| Mr. Bunker    | Mr. Jarvis     | Mr. A. C. Smith     |
| Mr. Burdick   | Mr. Johnson    | Mr. W. Smith        |
| Mr. Cameron   | Mr. Jones      | Mr. Speaker         |
| Mr. Carpenter | Mr. Kinne      | Mr. Spring          |
| Mr. Casner    | Mr. Knapp      | Mr. J. Stevenson    |
| Mr. Coe       | Mr. D. Lee     | Mr. R. L. Stevenson |
| Mr. Collins   | Mr. Litchfield | Mr. Sweeney         |
| Mr. Comstock  | Mr. Long       | Mr. Tefft           |

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Constant     | Mr. M'Carthy     | Mr. Thayer          |
| Mr. C. F. Crosby | Mr. M'Donald     | Mr. Thompson        |
| Mr. Culver       | Mr. M'Key        | Mr. Tibbits         |
| Mr. Danforth     | Mr. M'Vean       | Mr. Titus           |
| Mr. De Puy       | Mr. Mann         | Mr. Tuthill         |
| Mr. Dewey        | Mr. Mersereau    | Mr. Van Schoonhoven |
| Mr. Dickson      | Mr. C. B. Miller | Mr. Van Valkenburgh |
| Mr. Edwards      | Mr. S. Miller    | Mr. Walrath         |
| Mr. Fellows      | Mr. Morris       | Mr. Wells           |
| Mr. Fenn         | Mr. Morrison     | Mr. Wheeler         |
| Mr. Field        | Mr. Moulton      | Mr. White           |
| Mr. Fonda        | Mr. Newkirk      | Mr. Wilcox          |
| Mr. Frisbee      | Mr. Niven        | Mr. Worden          |
| Mr. Giffard      | Mr. Oakley       | Mr. Wyckoff         |
| Mr. G. Goold     | Mr. Pardee       | Mr. Wynant          |
| Mr. Gregory      | Mr. Pierce       | Mr. A. W. Young     |
| Mr. Hall         | Mr. Porter       | Mr. J. Young        |
| Mr. Hammond      | Mr. Preston      |                     |

107

Those who voted in the negative are

|               |                 |               |
|---------------|-----------------|---------------|
| Mr. Bailey    | Mr. L. H. Brown | Mr. Crain     |
| Mr. J. Brooks | Mr. A. H. Buell | Mr. T. R. Lee |
| Mr. Brower    | Mr. Chase       | Mr. Whitney   |

9

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to amend an act passed 7th May, 1844, for the better security of mechanics and builders," and found the same correctly engrossed.

*Ordered*, That the said bill do have its third reading.

The House then proceeded to the consideration of the bill from the Senate, entitled "An act to increase the number of the firemen of the village of Canandaigua," the same having been read the third time on a previous day.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 98 }  
{ NAYS 00 }

Those who voted in the affirmative are

|             |              |             |
|-------------|--------------|-------------|
| Mr. Bachman | Mr. Hammond  | Mr. Raymond |
| Mr. Bagg    | Mr. Hannum   | Mr. Rice    |
| Mr. Barber  | Mr. Harris   | Mr. Rogers  |
| Mr. Betts   | Mr. Hazelton | Mr. Sager   |



|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bevens       | Mr. Heermans     | Mr. Salisbury       |
| Mr. Billings     | Mr. Hervey       | Mr. Searing         |
| Mr. Bloss        | Mr. Hine         | Mr. Sears           |
| Mr. Boughton     | Mr. Horton       | Mr. Sherman         |
| Mr. Bowen        | Mr. Howard       | Mr. Skelton         |
| Mr. J. Brooks    | Mr. Hunt         | Mr. A. C. Smith     |
| Mr. M. Brooks    | Mr. Jarvis       | Mr. W. Smith        |
| Mr. L. H. Brown  | Mr. Johnson      | Mr. Spring          |
| Mr. Burdick      | Mr. Jones        | Mr. J. Stevenson    |
| Mr. Cameron      | Mr. Kinne        | Mr. R. L. Stevenson |
| Mr. Casner       | Mr. D. Lee       | Mr. Sweeney         |
| Mr. Chase        | Mr. T. R. Lee    | Mr. Tefft           |
| Mr. Coe          | Mr. Long         | Mr. Thayer          |
| Mr. Collins      | Mr. M'Carthy     | Mr. Thompson        |
| Mr. Comstock     | Mr. M'Donald     | Mr. Tibbits         |
| Mr. Constant     | Mr. M'Key        | Mr. Titus           |
| Mr. Crain        | Mr. M'Vean       | Mr. Tutbill         |
| Mr. C. F. Crosby | Mr. Mann         | Mr. Van Schoonhoven |
| Mr. Culver       | Mr. Mersereau    | Mr. Van Valkenburgh |
| Mr. Danforth     | Mr. C. B. Miller | Mr. Wells           |
| Mr. De Puy       | Mr. S. Miller    | Mr. Wheeler         |
| Mr. Dickson      | Mr. Morris       | Mr. White           |
| Mr. Fellows      | Mr. Morrison     | Mr. Whitney         |
| Mr. Field        | Mr. Moulton      | Mr. Wilcox          |
| Mr. Fonda        | Mr. Niven        | Mr. Worden          |
| Mr. Frisbee      | Mr. Oakley       | Mr. Wyckoff         |
| Mr. Giffard      | Mr. Pierce       | Mr. Wynant          |
| Mr. G. Goold     | Mr. Porter       | Mr. J. Young        |
| Mr. Hall         | Mr. Preston      |                     |

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The engrossed bill entitled "An act to incorporate the American and Foreign Bible Society," was read the third time.

Debates were had thereon; when, the hour of half past one o'clock having arrived, the House took a recess until half past three o'clock this afternoon.

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### HALF PAST THREE O'CLOCK P. M.

The House again met.

By unanimous consent,

Mr. Titus offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That the bill entitled "An act to incorporate the Apalachicola Land Company," be taken from the general orders, and be re-committed to the committee on trade and manufactures, to be reported complete.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

By unanimous consent,

Mr. Chase offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill entitled "An act for the better security of mechanics and others erecting buildings and furnishing materials therefor," be taken from the general orders, and referred to the committee on trade and manufactures, with instructions to report complete.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Barber gave notice that he would, at an early day, introduce a bill in relation to taxes in the several counties of this State.

By unanimous consent,

Mr. M'Carthy offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill entitled "An act to amend the acts relative to the village of Liverpool," be taken from the general orders, and referred to the committee on the incorporation of cities and villages, to report complete.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

The House then again resolved itself into a committee of the whole, on the bill entitled "An act recommending a Convention of the People of this State ;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Bevins, from the said committee, reported progress, and asked for and obtained leave to sit again.

The House then resumed the consideration of the question on the final passage of the bill entitled "An act to incorporate the American and Foreign Bible Society."

Debates were had thereon ; when

Mr. Harris moved to lay the said question on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Harris, and it was determined in the affirmative.

The engrossed bill entitled "An act for the relief of William Coleman, Abiel West and Joseph Taylor," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
Albany, April 16, 1845. }

TO THE ASSEMBLY.

I have this day approved and signed the bill entitled "An act to amend an act in relation to State prisons, passed May 1st, 1844."  
SILAS WRIGHT.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to amend an act

entitled "An act to incorporate the Rensselaer Oswego Academy," passed April 13th, 1826;" the bill entitled "An act to authorise J. Horsely Palmer to hold and convey real estate;" the bill entitled "An act to amend the charter of the Herkimer Manufacturing and Hydraulic Company;" the bill entitled "An act to provide for the improving and keeping in repair of a road through the Onondaga Indian reservation," and the bill entitled "An act to incorporate the Roman Catholic Orphan Asylum Society of the city of Rochester," and found the same severally correctly engrossed.

*Ordered,* That the said bills do have their third reading.

The engrossed bill entitled "An act to divide the town of Virgil," was read the third time.

*Resolved,* That the bill do pass.

The engrossed bill entitled "An act to amend an act passed seventh day of May, 1844, for the better security of mechanics and builders," was read the third time.

*Resolved,* That the bill do pass.

*Ordered,* That the Clerk deliver the said bills to the Senate, and request their concurrence in the same.

On motion of Mr. Oakley,

The House then adjourned to ten o'clock to-morrow morning.

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## THURSDAY, APRIL 17, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Wyckoff.

The minutes of yesterday were read and approved.

Three several petitions of sundry inhabitants of the town of Franklin in the county of Delaware, praying for the erection of a new county, with the seat of justice at Unadilla, were read, and referred to the committee of the whole when on the bill upon that subject.

Two several petitions and resolutions of a mass meeting held at the village of Antwerp in the county of Jefferson, in favor of the resumption of the work on the suspended lateral canals, were read, and referred to the committee on canals.

The petition of sundry inhabitants of the county of Dutchess, praying for the passage of a law reducing the rate of interest to six per centum, was read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the city of New-York, praying for the passage of a law authorising the erection of a bridge across the Hudson river at the city of Albany, was read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of sundry inhabitants of the village of Poughkeepsie in the county of Dutchess, against the erection of a bridge across the

Hudson river at the city of Albany, was read, and referred to the committee of the whole when on the bill upon that subject.

The petition of the members of the bar of the county of Chautauque, praying for the passage of a law authorising the holding of certain terms of the Supreme Court at Geneva or Rochester, was read, and referred to the committee on the judiciary.

The petition of sundry merchants of the city of New-York, praying for an alteration or repeal of the law of pilotage by the way of Hurlgate, was read, and referred to the committee on the judiciary.

The resolutions adopted at a meeting of the supervisors of the county of Cattaraugus, to restrict the duties of the county superintendent of common schools in said county, were read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Lewis, praying for the passage of a law to restore the distinction between county and town poor in said county, was read, and referred to the committee on the internal affairs of towns and counties.

The remonstrance of sundry inhabitants of the town of Penfield in the county of Monroe, against any increase of the number of supervisors in the city of Rochester, was read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of Jane Lynch and Frederick De Peyster, trustees of the estate of D. Lynch, against the incorporation of the Rome Waterworks Company, was read, and referred to the committee of the whole when on the bill upon that subject.

The House then resolved itself into a committee of the whole, on the bill entitled "An act in relation to the construction of the New-York and Erie railroad," and on the bill entitled "An act in relation to the Normal School;" and after some time spent thereon, Mr. Speaker resumed the chair, and announced that the hour of one o'clock had arrived.

Whereupon,

The House took a recess until half past three o'clock this afternoon.

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### HALF PAST THREE O'CLOCK, P. M.

The House again met.

The report of the Comptroller, in answer to a resolution of the Assembly of 1844, in relation to taxing rents, quarter sales, interests in water-right reservations, etc., was received and read.

[See Document No. 228.]

Mr. Van Schoonhoven moved that ten times the usual number of copies of the said report be printed.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Van Schoonhoven, and it was determined in the affirmative.



A message from the Senate, with the bills therein mentioned, was received and read, requesting the concurrence of the Assembly to the bill entitled "An act to renew an act to incorporate the Society in the city of New-York for the relief of poor widows with small children, passed April 5, 1810;" to the bill entitled "An act to regulate fisheries in the town of Esopus in the county of Ulster;" to the bill entitled "An act to incorporate the Greenville and Potter's-hollow Turnpike Road Company," and to the bill entitled "An act to incorporate the Fallsburgh and Liberty Turnpike Road Company."

The said bills were severally read the first time, and by unanimous consent were also read a second time, and the bill entitled "An act to renew an act to incorporate the Society in the city of New-York for the relief of poor widows with small children, passed April 5th, 1810," was referred to the committee on charitable and religious societies; the bill entitled "An act to regulate fisheries in the town of Esopus in the county of Ulster," was referred to the committee on the internal affairs of towns and counties; and the bill entitled "An act to incorporate the Greenville and Potter's-hollow Turnpike Road Company," and the bill entitled "An act to incorporate the Fallsburgh and Liberty Turnpike Road Company," were read, and referred to the committee on roads and bridges.

The House, in committee of the whole, resumed the consideration of the bills which were before said committee at the time of taking the recess; and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Whitney, from the said committee, reported progress on the bill entitled "An act in relation to the construction of the New-York and Erie railroad," and asked for leave to sit again.

Mr. Speaker put the question whether the House would grant the committee of the whole leave to sit again on the said bill, and it was determined in the affirmative.

Mr. Whitney, from the same committee, reported, that the committee had gone through the bill entitled "An act in relation to the Normal School," made sundry amendments thereto, and agreed to the same; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

A message from the Senate, with the bill therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act to incorporate the Unadilla and Norwich Turnpike Company," with the amendments thereto therewith delivered.

The said amendments having been read,

Mr. Raymond moved that the House do concur in the same.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Raymond, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |      |    |   |
|---|------|----|---|
| { | AYES | 93 | } |
|   | NAYS | 00 | } |

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Gregory      | Mr. Preston         |
| Mr. Barber       | Mr. Hall         | Mr. Raymond         |
| Mr. Betts        | Mr. Hammond      | Mr. Rice            |
| Mr. Bevens       | Mr. Hannum       | Mr. Rogers          |
| Mr. Billings     | Mr. Harden       | Mr. Ross            |
| Mr. Blake        | Mr. Harris       | Mr. Sager           |
| Mr. Bloss        | Mr. Hazelton     | Mr. Salisbury       |
| Mr. Boughton     | Mr. Heermans     | Mr. Searing         |
| Mr. Bowen        | Mr. Hervey       | Mr. Sears           |
| Mr. J. Brooks    | Mr. Hine         | Mr. Sherman         |
| Mr. M. Brooks    | Mr. Horton       | Mr. A. C. Smith     |
| Mr. S. A. Brown  | Mr. Jarvis       | Mr. W. Smith        |
| Mr. A. H. Buell  | Mr. Jones        | Mr. Spring          |
| Mr. Bunker       | Mr. Kinne        | Mr. J. Stevenson    |
| Mr. Carpenter    | Mr. D. Lee       | Mr. R. L. Stevenson |
| Mr. Chase        | Mr. T. R. Lee    | Mr. Strobbridge     |
| Mr. Coe          | Mr. Litchfield   | Mr. Sweeney         |
| Mr. Collins      | Mr. Long         | Mr. Tefft           |
| Mr. Comstock     | Mr. M'Carthy     | Mr. Thompson        |
| Mr. Constant     | Mr. M'Donald     | Mr. Tibbits         |
| Mr. C. F. Crosby | Mr. M'Key        | Mr. Titus           |
| Mr. Culver       | Mr. M'Vean       | Mr. Van Schoonhoven |
| Mr. Danforth     | Mr. Mann         | Mr. Van Valkenburgh |
| Mr. Dewey        | Mr. Mersereau    | Mr. Walrath         |
| Mr. Dickson      | Mr. C. B. Miller | Mr. Wells           |
| Mr. Edwards      | Mr. Morrison     | Mr. Wheeler         |
| Mr. Fellows      | Mr. Moulton      | Mr. White           |
| Mr. Field        | Mr. Niven        | Mr. Whitney         |
| Mr. Fonda        | Mr. Oakley       | Mr. Wyckoff         |
| Mr. Frisbee      | Mr. Pardee       | Mr. Wynant          |
| Mr. Giffard      | Mr. Porter       | Mr. A. W. Young 93  |

*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred in the said amendments, and amended the bill accordingly.

The House then resolved itself into a committee of the whole, on the bill from the Senate, entitled "An act for the relief of Ruth Hawks;" and on the bill from the Senate, entitled "An act for the relief of Rebecca Keyle, an alien;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. M'Carthy, from the said committee, reported, that the committee had gone through the bill entitled "An act for the relief of Ruth Hawks," and agreed to the same without amendment; which report was agreed to by the house, and the bill ordered to have its third reading.

Mr. M'Carthy, from the same committee, reported, that the committee had gone through the bill entitled "An act for the relief of Rebecca Keyle, an alien," and agreed to the same without amendment; which report was agreed to by the house, and the bill ordered to have its third reading.

Mr. Oakley, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act for the relief of Isaac I. Yates and Joseph Y. Vanderbogart;" the bill entitled "An act to provide a seal for the court of oyer and terminer and general sessions of the peace in and for the city and county of New-York;" the bill entitled "An act to amend an act to incorporate the trustees of the Black River Annual Conference, passed April 17th, 1841;" the bill entitled "An act for the relief of John Watkins;" the bill entitled "An act to increase the number of firemen in the village of Glensfalls;" the bill entitled "An act for the preservation of fish in the Nine-mile creek;" the bill entitled "An act to amend an act to provide for building bridges over Oak orchard and Marsh creeks, at or near the junction of said creeks in the town of Carlton in the county of Orleans, passed March 21st, 1844;" and the bill entitled "An act relative to the superintendents of the poor in the county of Schenectady," and found the same severally correctly engrossed.

*Ordered,* That the said bills do have their third reading.

Mr. Carpenter, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to provide for laying out a road through the Highlands, from the Croton bridge in the county of Westchester, to Fishkill landing in the county of Dutchess;" the bill entitled "An act to authorise the Canal Commissioners to lease certain surplus waters of the Erie canal to Roderick Price;" and the bill entitled "An act to amend an act entitled 'An act to incorporate the village of Lockport,' passed March 26th, 1829," and found the same severally correctly engrossed.

*Ordered,* That the said bills do have their third reading.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act relative to school district number two in the city of Rochester;" the bill entitled "An act to extend the charter of the West-Point Foundry Association;" the bill entitled "An act to annex a part of the town of Busti to the town of Ellicott," and the bill entitled "An act to drain the Bashaskill swamp," and found the same severally correctly engrossed.

*Ordered,* That the said bills do have their third reading.

A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
Albany, April 16, 1845. }

TO THE ASSEMBLY.

I have this day approved and signed the bill entitled "An act to increase the numbers of the firemen in the village of Canandaigua."

SILAS WRIGHT.

A message from the Senate, with the bill therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act to amend an act entitled 'An act to lay out a road from New-kirk's mills in the county of Fulton, to Piseco village in the county of Hamilton,' passed April 27th, 1841," with the amendments thereto therewith delivered.



The said amendments were read.

On motion of Mr. Newkirk,

*Resolved*, That the Assembly do concur with the Senate in their amendments to the said bill.

*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred in the said amendments, and amended the bill accordingly.

A message from the Senate, with the bills therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act to provide for the erection of a town-house in the town of Gouverneur in the county of St. Lawrence;" the bill entitled "An act to lay out a road from the village of Littlefalls to the town of Warren;" the bill entitled "An act to amend an act entitled 'An act to incorporate the village of Geddes;'" the bill entitled "An act to authorise the board of supervisors of the county of Monroe to borrow money, and to build a bridge across the Genesee river;" the bill entitled "An act to change the name of the village of Fairport to that of Horseheads;" the bill entitled "An act for the relief of Eleanor F. Wors, widow of John F. Wors, an alien, deceased;" the bill entitled "An act authorising Henry K. Keys to assume the name of Henry K. Heydon;" and the bill entitled "An act to authorise a tax to be levied in the town of Potsdam, to build a town-house," severally without amendment.

*Ordered*, That the Clerk deliver the said bills to the Governor.

A message from the Senate, with the bills therein mentioned, was received and read, requesting the concurrence of the Assembly to the bill entitled "An act for the preservation of game in the county of Ulster;" to the bill entitled "An act to amend an act to incorporate the Consistory of the Reformed Presbyterian Church in the city of New-York, passed March 24th, 1820;" to the bill entitled "An act for the relief of Lyman Carpenter;" to the bill entitled "An act for the erection of a flag staff on the Capitol," and to the bill entitled "An act to incorporate the Dutchess County Historical Society."

The said bills were severally read the first time, and by unanimous consent were also read a second time, and the bill entitled "An act for the preservation of game in the county of Ulster," was referred to the committee on the internal affairs of towns and counties; the bill entitled "An act to amend an act to incorporate the Consistory of the Reformed Presbyterian Church in the city of New-York, passed March 24th, 1820," was referred to the committee on charitable and religious societies; the bill entitled "An act for the relief of Lyman Carpenter," was referred to the committee on claims; the bill entitled "An act for the erection of a flag staff on the Capitol," was referred to the committee on the militia and public defence; and the bill entitled "An act to incorporate the Dutchess County Historical Society," on motion of Mr. T. R. Lee, was ordered to a third reading.

On motion of Mr. C. F. Crosby,

The House then adjourned to ten o'clock to-morrow morning.



## FRIDAY, APRIL 18, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Welch.

The minutes of yesterday were read and approved.

The petition of sundry inhabitants of the city of New-York, praying for the passage of a law authorising the erection of a bridge across the Hudson river at the city of Albany, were read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of sundry inhabitants of the county of Dutchess, against the erection of a bridge across the Hudson river at the city of Albany, was read, and referred to the committee of the whole when on the bill upon that subject.

The petition of Ralph Bulkey of the city of New-York, praying for the passage of a law compelling steamboats to carry life preservers, etc. was read, and referred to the committee on trade and manufactures.

Mr. Hervey, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to incorporate the Williamsburgh Lyceum," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Hervey, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to enlarge the act entitled 'An act relative to common schools for the city of Brooklyn,' passed March 23d, 1843," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Hervey, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to incorporate the Mechanics' and Workingmen's Association of Williamsburgh," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Thompson, from the committee on charitable and religious societies, to which was referred the bill from the Senate, entitled "An act to amend an act to incorporate the Consistory of the Reformed Presbyterian Church in the city of New-York, passed March 24th, 1820," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Thompson, from the committee on charitable and religious societies, to which was referred the bill from the Senate, entitled "An act to renew an act entitled 'An act to incorporate the Society in the city of New-York for the relief of poor widows with small children,' passed April 5th, 1810," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Moulton, from the committee on roads and bridges, to which was referred the bill from the Senate, entitled "An act to amend an act entitled 'An act to incorporate the Newburgh and Plattekill Turnpike Company,' passed June 12th, 1812," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

On motion of Mr. Tuthill,

*Ordered*, That the said bill do have its third reading.

Mr. Moulton, from the committee on roads and bridges, to which was referred the bill from the Senate, entitled "An act to incorporate the Prattsville and Gilboa Turnpike Company," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Moulton, from the committee on roads and bridges, to which was referred the bill from the Senate, entitled "An act to incorporate the Greenville and Potter's-hollow Turnpike Road Company," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the petition of sundry inhabitants of the town of Stockbridge in the county of Madison, relative to an enlargement of the powers of justices of the peace, reported unfavorably to the prayer of the petitioners, and offered the following resolution, to wit :

*Resolved*, That the committee on the judiciary be discharged from the further consideration of the petition for an extension of the jurisdiction of justices of the peace.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the petition of Emily Leach, for a separation from her husband, reported unfavorably to the prayer of the petitioner, and offered the following resolution, to wit :

*Resolved*, That the committee on the judiciary be discharged from the further consideration of the petition of Emily Leach.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the bill entitled "An act to change the name of Ogden P. Edwards," reported, and offered the following resolution, to wit :

*Resolved,* That the said bill ought not to become a law.

*Ordered,* That the said bill be committed to a committee of the whole house.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the bill entitled "An act to prohibit the throwing or depositing in the Croton aqueduct, or either of the reservoirs, any dead animal or other offensive matter, or any thing whatever," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

On motion of Mr. Wheeler,

*Ordered,* That the said bill be engrossed for a third reading.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the bill entitled "An act to authorise the reference of certain actions at law," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the bill entitled "An act to punish the unlawful cutting and carrying away of timber," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the bill from the Senate, entitled "An act in relation to the acknowledgment and proof of deeds and mortgages," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

On motion of Mr. Collins,

*Ordered,* That the said bill do have its third reading.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the bill from the Senate, entitled "An act relating to bail in the Court of Chancery, and for other purposes," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered,* That the said bill be committed to a committee of the whole house.

Mr. T. R. Lee, from the committee on the judiciary, to which was recommitted the bill entitled "An act in relation to the Chenango bridge," together with the report of the committee on the judiciary heretofore made upon that subject, reported the said bill and report back to the house, and recommended that the said bill be rejected on the ground of its being unconstitutional.



*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Titus, from the committee on trade and manufactures, to which was referred the bill entitled "An act to incorporate the Apalachicola Land Company," with instructions to report the same complete, reported, that the committee had examined the said bill, and made sundry amendments thereto, and saw no reason why the said amended bill should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Titus, from the committee on trade and manufactures, to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the Greenhill Wharf Company,' passed April 20, 1830," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Moulton, from the committee on roads and bridges, to which was referred the bill from the Senate, entitled "An act to incorporate the Fallsburgh and Liberty Turnpike Road Company," reported, that the committee had examined the said bill, and made an amendment thereto, and saw no reason why the said amended bill should not be passed into a law.

On motion of Mr. Niven,

*Ordered*, That the said amendment be engrossed, and the bill have its third reading.

Mr. A. H. Buell, from the committee on banks and insurance companies, to which was referred the bill entitled "An act imposing personal liability on the stockholders in certain monied and stock corporations," reported, that the committee had examined the said bill, and made sundry amendments thereto, and saw no reason why the said amended bill should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. A. H. Buell, from the committee on banks and insurance companies, to which was referred the bill entitled "An act to amend an act to incorporate the Kings County Mutual Insurance Company, passed April 15th, 1844," with instructions to report the same complete, reported, that the committee had examined the said bill, and made sundry amendments thereto, and saw no reason why the said amended bill should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Raymond, from the committee on the erection and division of towns and counties, to which was referred the petition of sundry inhabitants of the county of Livingston, for the division of the town of



Sparta in said county, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Raymond accordingly brought in the said bill, entitled "An act to divide the town of Sparta, and to erect the towns of Dansville, East-Sparta and West-Sparta in Livingston county ;" which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. Raymond,

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Tefft, from the committee on claims, to which was referred the petition of John P. Yates, for relief, reported unfavorably to the prayer of the petitioner, and offered the following resolution, to wit :

*Resolved*, That the prayer of the petitioner ought not to be granted.

On motion of Mr. Bevens,

*Ordered*, That the said resolution be laid on the table.

Mr. Ross, from the committee on the incorporation of cities and villages, to which was referred the petition of the mayor, aldermen and commonalty of the city of New-York, relative to the Croton waterworks, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Ross accordingly brought in the said bill, entitled "An act in relation to the Croton waterworks in the city of New-York ;" which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. Ross,

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Tefft, from the committee on claims, to which was referred the bill from the Senate, entitled "An act for the relief of Daniel W. Wing," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Raymond, from the committee on the erection and division of towns and counties, to which was referred the petition of sundry inhabitants of the towns of Busti and Harmony in the county of Chautauque, for the erection of two new towns from said towns, reported unfavorably to the prayer of the petitioners, and offered the following resolution, to wit :

*Resolved*, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Titus, from the committee on trade and manufactures, to which was referred the bill entitled "An act for the better security of mechanics and others erecting buildings and furnishing materials therefor in this State (except such cities and villages as are provided for in the two several acts passed April 29th, and May 7th, 1844)," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Ross, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to incorporate the village of New-London," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Hervey, from the select committee to which was referred the bill from the Senate, entitled "An act to authorise the president, directors and company of the Susquehannah Turnpike Road to abandon a part of their road, and for other purposes," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered,* That the said bill do have its third reading.

Mr. M'Carthy, from the select committee to which was referred the petition of sundry citizens of the city of Rochester and of the county of Monroe, for the passage of an act requiring the creditor upon whose suit or judgment a debtor is imprisoned, to pay the expenses of his board to the jailer in advance, reported in writing, and concluded by offering the following resolution, to wit :

*Resolved,* That the committee be discharged from the further consideration of the said petition.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

The engrossed bill from the Senate, entitled "An act to authorise the president, directors and company of the Susquehannah Turnpike Road to abandon a part of their road, and for other purposes," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 107 }  
{ NAYS 00 }

Those who voted in the affirmative are

Mr. Bachman  
Mr. Bagg  
Mr. Barber  
Mr. Betts  
Mr. Bevens  
Mr. Billings

Mr. G. Goold  
Mr. Hall  
Mr. Hammond  
Mr. Hannum  
Mr. Harden  
Mr. Harris

Mr. Raymond  
Mr. Rice  
Mr. Rogers  
Mr. Ross  
Mr. Russell  
Mr. Sager

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Blake        | Mr. Hazelton     | Mr. Salisbury       |
| Mr. Bowen        | Mr. Hervey       | Mr. Searing         |
| Mr. J. Brooks    | Mr. Hine         | Mr. Sears           |
| Mr. M. Brooks    | Mr. Hunt         | Mr. Sherman         |
| Mr. Brower       | Mr. Jarvis       | Mr. Skelton         |
| Mr. S. A. Brown  | Mr. Jones        | Mr. A. C. Smith     |
| Mr. A. H. Buell  | Mr. Kinne        | Mr. W. Smith        |
| Mr. Bunker       | Mr. Knapp        | Mr. J. Stevenson    |
| Mr. Burdick      | Mr. D. Lee       | Mr. R. L. Stevenson |
| Mr. Bush         | Mr. T. R. Lee    | Mr. Strobridge      |
| Mr. Carpenter    | Mr. Litchfield   | Mr. Sweeney         |
| Mr. Chase        | Mr. Long         | Mr. Tefft           |
| Mr. Coe          | Mr. M'Carthy     | Mr. Thayer          |
| Mr. Collins      | Mr. M'Donald     | Mr. Thompson        |
| Mr. Comstock     | Mr. M'Key        | Mr. Titus           |
| Mr. Constant     | Mr. M'Vean       | Mr. Tuthill         |
| Mr. Crain        | Mr. Mann         | Mr. Van Schoonhoven |
| Mr. C. F. Crosby | Mr. Mersereau    | Mr. Van Valkenburgh |
| Mr. Culver       | Mr. C. B. Miller | Mr. Walrath         |
| Mr. Danforth     | Mr. S. Miller    | Mr. Wells           |
| Mr. Dewey        | Mr. Morris       | Mr. Wheeler         |
| Mr. Dickson      | Mr. Morrison     | Mr. White           |
| Mr. Edwards      | Mr. Moulton      | Mr. Whitney         |
| Mr. Fellows      | Mr. Newkirk      | Mr. Wilcox          |
| Mr. Fenn         | Mr. Niven        | Mr. Worden          |
| Mr. Field        | Mr. Oakley       | Mr. Wyckoff         |
| Mr. Fonda        | Mr. Pardee       | Mr. Wynant          |
| Mr. Frisbee      | Mr. Pierce       | Mr. A. W. Young     |
| Mr. Garretson    | Mr. Porter       | Mr. J. Young        |
| Mr. Giffard      | Mr. Preston      |                     |

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

On motion of Mr. Harris,

The House then proceeded to the consideration of the question on the final passage of the bill entitled "An act to incorporate the American and Foreign Bible Society."

Debates were had thereon ; when

Mr. Chase called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the negative.

Debates were again had ; when

Mr. Fonda called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Whereupon,

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the negative ;

less than two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 75 }  
 { NAYS 37 }

Those who voted in the affirmative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. G. Goold     | Mr. Pierce          |
| Mr. Bagg        | Mr. Hammond      | Mr. Porter          |
| Mr. Bailey      | Mr. Hannum       | Mr. Preston         |
| Mr. Barber      | Mr. Harden       | Mr. Raymond         |
| Mr. Bevins      | Mr. Harris       | Mr. Rice            |
| Mr. Billings    | Mr. Hazelton     | Mr. Russell         |
| Mr. Blake       | Mr. Hervey       | Mr. Searing         |
| Mr. Boughton    | Mr. Horton       | Mr. Sears           |
| Mr. Bowen       | Mr. Jarvis       | Mr. Sherman         |
| Mr. J. Brooks   | Mr. Johnson      | Mr. Skelton         |
| Mr. M. Brooks   | Mr. Jones        | Mr. W. Smith        |
| Mr. L. H. Brown | Mr. Kinne        | Mr. Speaker         |
| Mr. Bunker      | Mr. Knapp        | Mr. Spring          |
| Mr. Burdick     | Mr. D. Lee       | Mr. Strobridge      |
| Mr. Bush        | Mr. Long         | Mr. Sweeney         |
| Mr. Cameron     | Mr. M'Carthy     | Mr. Thayer          |
| Mr. Carpenter   | Mr. M'Donald     | Mr. Tibbits         |
| Mr. Casner      | Mr. M'Vean       | Mr. Titus           |
| Mr. Chase       | Mr. Mann         | Mr. Tuthill         |
| Mr. Coe         | Mr. Mersereau    | Mr. Van Schoonhoven |
| Mr. Collins     | Mr. C. B. Miller | Mr. Wells           |
| Mr. Comstock    | Mr. Morris       | Mr. Whitney         |
| Mr. Fellows     | Mr. Morrison     | Mr. Wilcox          |
| Mr. Fenn        | Mr. Moulton      | Mr. Worden          |
| Mr. Fonda       | Mr. Newkirk      | Mr. Wynant          |

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Those who voted in the negative are

|                  |               |                     |
|------------------|---------------|---------------------|
| Mr. Betts        | Mr. Frisbee   | Mr. Sager           |
| Mr. Bloss        | Mr. Garretson | Mr. Salisbury       |
| Mr. Brower       | Mr. Giffard   | Mr. A. C. Smith     |
| Mr. S. A. Brown  | Mr. Hall      | Mr. J. Stevenson    |
| Mr. A. H. Buell  | Mr. Hine      | Mr. Tefft           |
| Mr. Constant     | Mr. T. R. Lee | Mr. Thompson        |
| Mr. Crain        | Mr. M'Key     | Mr. Van Valkenburgh |
| Mr. C. F. Crosby | Mr. Niven     | Mr. Walrath         |
| Mr. Culver       | Mr. Oakley    | Mr. Wheeler         |
| Mr. Danforth     | Mr. Pardee    | Mr. White           |
| Mr. Dewey        | Mr. Rogers    | Mr. A. W. Young     |
| Mr. Dickson      | Mr. Ross      | Mr. J. Young        |
| Mr. Field        |               |                     |

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Mr. C. F. Crosby moved a reconsideration of the said vote.

Mr. J. Young moved to lay the said motion of Mr. C. F. Crosby on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. J. Young, and it was determined in the affirmative.

The hour of twelve o'clock at noon having arrived,

The Chair announced the special order of the House, being the consideration of the bill entitled "An act recommending a Convention of the People of this State."

Mr. Comstock offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill entitled "An act recommending a Convention of the People of this State," be considered in committee of the whole on Saturday and Monday next, immediately after the reports of committees ; and that the whole sitting on each of said days be devoted to the consideration of said bill in committee of the whole, unless the same shall sooner be gone through with and completed in committee ; and that the House will proceed, on Tuesday next, immediately after the reports of committees, to take the question on such amendments as, having been offered in committee of the whole, shall be renewed in the house, and on agreeing with the report of the committee of the whole ; and that the question on the final passage of the bill be taken on Tuesday next, at the commencement of the afternoon session ; and that the bill entitled "An act in relation to the construction of the New-York and Erie railroad," be considered this afternoon at half past three o'clock.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Oakley, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act for the relief of George Gardner and others ;" the bill entitled "An act in relation to the Normal School," and the bill entitled "An act concerning the Seneca Turnpike Road Company," and found the same severally correctly engrossed.

*Ordered*, That the said bills do have their third reading.

Mr. Carpenter, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to amend an act entitled 'An act to incorporate the Long Island Railroad Company,' passed April 24th, 1834," and found the same correctly engrossed.

*Ordered*, That the said bill do have its third reading.

The engrossed bill from the Senate, entitled "An act for the relief of Ruth Hawks," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The engrossed bill from the Senate, entitled "An act in relation to the State Library," with the engrossed amendments, was read the third time.

*Resolved*, That the bill and amendments do pass.

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same with the amendments thereto therewith delivered.

The engrossed bill entitled "An act to extend the charter of the West-Point Foundry Association," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 99 }  
 { NAYS 00 }

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. G. Goold     | Mr. Porter          |
| Mr. Bagg         | Mr. Hall         | Mr. Raymond         |
| Mr. Bailey       | Mr. Hammond      | Mr. Rice            |
| Mr. Barber       | Mr. Hannum       | Mr. Rogers          |
| Mr. Bevens       | Mr. Harden       | Mr. Ross            |
| Mr. Bloss        | Mr. Harris       | Mr. Russell         |
| Mr. J. Brooks    | Mr. Heermans     | Mr. Sager           |
| Mr. M. Brooks    | Mr. Hervey       | Mr. Salisbury       |
| Mr. Brower       | Mr. Horton       | Mr. Searing         |
| Mr. L. H. Brown  | Mr. Hunt         | Mr. Sears           |
| Mr. S. A. Brown  | Mr. Jarvis       | Mr. Sherman         |
| Mr. A. H. Buell  | Mr. Johnson      | Mr. A. C. Smith     |
| Mr. Bunker       | Mr. Jones        | Mr. Spring          |
| Mr. Burdick      | Mr. Kinne        | Mr. R. L. Stevenson |
| Mr. Bush         | Mr. Knapp        | Mr. Strobbridge     |
| Mr. Carpenter    | Mr. D. Lee       | Mr. Sweetney        |
| Mr. Casner       | Mr. T. R. Lee    | Mr. Tefft           |
| Mr. Chase        | Mr. Litchfield   | Mr. Thayer          |
| Mr. Coe          | Mr. M'Carthy     | Mr. Thompson        |
| Mr. Collins      | Mr. M'Donald     | Mr. Titus           |
| Mr. Comstock     | Mr. M'Key        | Mr. Tuthill         |
| Mr. Constant     | Mr. M'Vean       | Mr. Van Schoonhoven |
| Mr. C. F. Crosby | Mr. Mann         | Mr. Van Valkenburgh |
| Mr. Culver       | Mr. Mersereau    | Mr. Walrath         |
| Mr. Danforth     | Mr. C. B. Miller | Mr. Wells           |
| Mr. Dewey        | Mr. S. Miller    | Mr. Wheeler         |
| Mr. Dickson      | Mr. Morris       | Mr. White           |
| Mr. Fellows      | Mr. Morrison     | Mr. Whitney         |
| Mr. Fenn         | Mr. Moulton      | Mr. Wilcox          |
| Mr. Field        | Mr. Newkirk      | Mr. Worden          |
| Mr. Fonda        | Mr. Niven        | Mr. Wynant          |
| Mr. Frisbee      | Mr. Oakley       | Mr. A. W. Young     |
| Mr. Garretson    | Mr. Pardee       | Mr. J. Young        |

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*Ordered,* That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act in relation to school district number two in the city of Rochester," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

} AYES 94 }  
} NAYS 00 }

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. G. Goold     | Mr. Preston         |
| Mr. Bagg         | Mr. Hammond      | Mr. Raymond         |
| Mr. Barber       | Mr. Hannum       | Mr. Rice            |
| Mr. Bevens       | Mr. Harris       | Mr. Rogers          |
| Mr. Billings     | Mr. Hazelton     | Mr. Ross            |
| Mr. Blake        | Mr. Heermans     | Mr. Russell         |
| Mr. Bloss        | Mr. Hervey       | Mr. Sager           |
| Mr. Bowen        | Mr. Hine         | Mr. Searing         |
| Mr. J. Brooks    | Mr. Horton       | Mr. Sears           |
| Mr. M. Brooks    | Mr. Hunt         | Mr. Sherman         |
| Mr. A. H. Buell  | Mr. Jarvis       | Mr. A. C. Smith     |
| Mr. Bunker       | Mr. Johnson      | Mr. W. Smith        |
| Mr. Bush         | Mr. Jones        | Mr. J. Stevenson    |
| Mr. Carpenter    | Mr. Kinne        | Mr. R. L. Stevenson |
| Mr. Casner       | Mr. Knapp        | Mr. Sweeney         |
| Mr. Chase        | Mr. T. R. Lee    | Mr. Tefft           |
| Mr. Coe          | Mr. Litchfield   | Mr. Thayer          |
| Mr. Collins      | Mr. M'Carthy     | Mr. Thompson        |
| Mr. Comstock     | Mr. M'Donald     | Mr. Titus           |
| Mr. Constant     | Mr. M'Key        | Mr. Tuthill         |
| Mr. C. F. Crosby | Mr. M'Vean       | Mr. Van Schoonhoven |
| Mr. Culver       | Mr. Mersereau    | Mr. Van Valkenburgh |
| Mr. Danforth     | Mr. C. B. Miller | Mr. Wells           |
| Mr. Dewey        | Mr. S. Miller    | Mr. Wheeler         |
| Mr. Edwards      | Mr. Morris       | Mr. White           |
| Mr. Fellows      | Mr. Moulton      | Mr. Whitney         |
| Mr. Fenn         | Mr. Newkirk      | Mr. Wilcox          |
| Mr. Field        | Mr. Niven        | Mr. Worden          |
| Mr. Fonda        | Mr. Oakley       | Mr. Wynant          |
| Mr. Frisbee      | Mr. Pardee       | Mr. A. W. Young     |
| Mr. Garretson    | Mr. Porter       | Mr. J. Young        |
| Mr. Giffard      |                  |                     |

94

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. Fonda moved a reconsideration of the vote on the final passage of the bill entitled "An act providing for the education and moral improvement of minors employed in the business of navigating the canals of this State."

Debates were had thereon ; when

Mr. Blake called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Whereupon,

Mr. Speaker put the question whether the House would agree to reconsider the vote on the final passage of the said bill, and it was determined in the affirmative.

{ AYES 64 }  
{ NAYS 43 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. Hall         | Mr. Newkirk         |
| Mr. Bagg        | Mr. Harden       | Mr. Pardee          |
| Mr. Betts       | Mr. Harris       | Mr. Preston         |
| Mr. Bevens      | Mr. Hazelton     | Mr. Rogers          |
| Mr. Blake       | Mr. Heermans     | Mr. Russell         |
| Mr. J. Brooks   | Mr. Hine         | Mr. Sager           |
| Mr. M. Brooks   | Mr. Horton       | Mr. Salisbury       |
| Mr. Brower      | Mr. Hunt         | Mr. Searing         |
| Mr. L. H. Brown | Mr. Jarvis       | Mr. Sears           |
| Mr. A. H. Buell | Mr. Johnson      | Mr. Sherman         |
| Mr. Bunker      | Mr. Kinne        | Mr. Skelton         |
| Mr. Bush        | Mr. Knapp        | Mr. R. L. Stevenson |
| Mr. Carpenter   | Mr. Litchfield   | Mr. Strobridge      |
| Mr. Casner      | Mr. M'Carthy     | Mr. Sweeney         |
| Mr. Chase       | Mr. M'Donald     | Mr. Tefft           |
| Mr. Constant    | Mr. M'Key        | Mr. Titus           |
| Mr. Crain       | Mr. Mann         | Mr. Van Schoonhoven |
| Mr. Danforth    | Mr. Mersereau    | Mr. Walrath         |
| Mr. Dickson     | Mr. C. B. Miller | Mr. Wheeler         |
| Mr. Fellows     | Mr. Morris       | Mr. Whitney         |
| Mr. Fenn        | Mr. Morrison     | Mr. Wilcox          |
| Mr. Fonda       |                  |                     |

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Those who voted in the negative are

|                 |               |                     |
|-----------------|---------------|---------------------|
| Mr. Barber      | Mr. G. Goold  | Mr. Rice            |
| Mr. Billings    | Mr. Hammond   | Mr. Ross            |
| Mr. Bloss       | Mr. Hannum    | Mr. A. C. Smith     |
| Mr. Bowen       | Mr. Hervey    | Mr. Spring          |
| Mr. S. A. Brown | Mr. Jones     | Mr. J. Stevenson    |
| Mr. Burdick     | Mr. D. Lee    | Mr. Thayer          |
| Mr. Coe         | Mr. T. R. Lee | Mr. Thompson        |
| Mr. Collins     | Mr. M'Vean    | Mr. Tuthill         |
| Mr. Cornstock   | Mr. S. Miller | Mr. Van Valkenburgh |



Mr. C. F. Crosby  
Mr. Culver  
Mr. Dewey  
Mr. Field  
Mr. Frisbee  
Mr. Garretson

Mr. Moulton  
Mr. Niven  
Mr. Oakley  
Mr. Porter  
Mr. Raymond

Mr. Wells  
Mr. White  
Mr. Wynant  
Mr. A. W. Young  
Mr. J. Young

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The question then recurred on the final passage of the said bill.

Mr. Walrath called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Whereupon,

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the negative.

{ AYES 41 }  
{ NAYS 62 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

Mr. Barber  
Mr. Billings  
Mr. Bloss  
Mr. Bowen  
Mr. S. A. Brown  
Mr. Burdick  
Mr. Coe  
Mr. Collins  
Mr. Comstock  
Mr. Constant  
Mr. Culver  
Mr. Dewey  
Mr. Field  
Mr. Frisbee

Mr. Garretson  
Mr. G. Goold  
Mr. Hammond  
Mr. Hervey  
Mr. Jones  
Mr. D. Lee  
Mr. T. R. Lee  
Mr. M'Key  
Mr. M'Vean  
Mr. Niven  
Mr. Oakley  
Mr. Porter  
Mr. Rice  
Mr. Ross

Mr. A. C. Smith  
Mr. J. Stevenson  
Mr. Thayer  
Mr. Thompson  
Mr. Van Valkenburgh  
Mr. Wells  
Mr. Wheeler  
Mr. White  
Mr. Wilcox  
Mr. Worden  
Mr. Wyckoff  
Mr. Wynant  
Mr. A. W. Young

41

Those who voted in the negative are

Mr. Bachman  
Mr. Bagg  
Mr. Betts  
Mr. Bevens  
Mr. Blake  
Mr. Boughton  
Mr. J. Brooks  
Mr. M. Brooks  
Mr. Brower

Mr. Fenn  
Mr. Fonda  
Mr. Hall  
Mr. Hannum  
Mr. Harden  
Mr. Harris  
Mr. Hazelton  
Mr. Heermans  
Mr. Hine

Mr. Morrison  
Mr. Moulton  
Mr. Newkirk  
Mr. Pardee  
Mr. Preston  
Mr. Rogers  
Mr. Russell  
Mr. Sager  
Mr. Salisbury

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. L. H. Brown | Mr. Hunt         | Mr. Searing         |
| Mr. A. H. Buell | Mr. Jarvis       | Mr. Sears           |
| Mr. Bunker      | Mr. Johnson      | Mr. Sherman         |
| Mr. Bush        | Mr. Kinne        | Mr. Skelton         |
| Mr. Carpenter   | Mr. Knapp        | Mr. R. L. Stevenson |
| Mr. Casner      | Mr. Litchfield   | Mr. Strobidge       |
| Mr. Chase       | Mr. M'Carthy     | Mr. Sweeney         |
| Mr. Crain       | Mr. M'Donald     | Mr. Tefft           |
| Mr. Danforth    | Mr. Mann         | Mr. Titus           |
| Mr. Dickson     | Mr. Mersereau    | Mr. Van Schoonhoven |
| Mr. Edwards     | Mr. C. B. Miller | Mr. Walrath         |
| Mr. Fellows     | Mr. Morris       |                     |

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The hour of half past one o'clock having arrived,  
The House took a recess until half past three o'clock this afternoon.

### HALF PAST THREE O'CLOCK, P. M.

The House again met.

A message from the Senate, with the bill therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act to amend an act entitled 'An act to incorporate the village of Greene,' passed April 12th, 1842," with the amendments therewith delivered.

The said amendments having been read,

Mr. M'Donald moved that the House do concur in the same.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. M'Donald, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 87 }  
{ NAYS 00 }

Those who voted in the affirmative are

|                 |              |                 |
|-----------------|--------------|-----------------|
| Mr. Bachman     | Mr. Hannum   | Mr. Raymond     |
| Mr. Barber      | Mr. Harden   | Mr. Rice        |
| Mr. Bevens      | Mr. Harris   | Mr. Rogers      |
| Mr. Blake       | Mr. Hazelton | Mr. Ross        |
| Mr. Bloss       | Mr. Heermans | Mr. Russell     |
| Mr. Bowen       | Mr. Hine     | Mr. Sager       |
| Mr. M. Brooks   | Mr. Horton   | Mr. Salisbury   |
| Mr. Brower      | Mr. Howard   | Mr. Searing     |
| Mr. L. H. Brown | Mr. Hunt     | Mr. Sherman     |
| Mr. S. A. Brown | Mr. Jarvis   | Mr. A. C. Smith |
| Mr. Bush        | Mr. Johnson  | Mr. W. Smith    |

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Casner       | Mr. Jones        | Mr. Spring          |
| Mr. Chase        | Mr. Kinne        | Mr. J. Stevenson    |
| Mr. Coe          | Mr. D. Lee       | Mr. R. L. Stevenson |
| Mr. Collins      | Mr. T. R. Lee    | Mr. Sweeney         |
| Mr. Comstock     | Mr. Litchfield   | Mr. Tefft           |
| Mr. Crain        | Mr. Long         | Mr. Thayer          |
| Mr. C. F. Crosby | Mr. M'Carthy     | Mr. Thompson        |
| Mr. Culver       | Mr. M'Donald     | Mr. Tibbits         |
| Mr. Danforth     | Mr. M'Vean       | Mr. Titus           |
| Mr. Edwards      | Mr. Mersereau    | Mr. Tuthill         |
| Mr. Fellows      | Mr. C. B. Miller | Mr. Van Schoonhoven |
| Mr. Field        | Mr. S. Miller    | Mr. Walrath         |
| Mr. Fonda        | Mr. Morris       | Mr. Wells           |
| Mr. Frisbee      | Mr. Morrison     | Mr. Wheeler         |
| Mr. Giffard      | Mr. Niven        | Mr. White           |
| Mr. G. Goold     | Mr. Oakley       | Mr. Whitney         |
| Mr. Hall         | Mr. Porter       | Mr. Worden          |
| Mr. Hammond      | Mr. Preston      | Mr. Wyant           |

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*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred in the said amendments, and amended the bill accordingly.

A message from the Senate, with the bills therein mentioned, was received and read, requesting the concurrence of the Assembly to the bill entitled "An act to incorporate the Freeman's Hall Association of the city of Brooklyn," and to the bill entitled "An act to incorporate the Colored Home of the city of New-York."

The said bills were severally read the first time, and by unanimous consent were also read a second time, and the bill entitled "An act to incorporate the Freeman's Hall Association of the city of Brooklyn," was referred to the committee on the incorporation of cities and villages; and the bill entitled "An act to incorporate the Colored Home of the city of New-York," on motion of Mr. Wheeler, was ordered to a third reading.

By unanimous consent,

Mr. Rogers offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, (if the Hon. the Senate concur,) That this House will adjourn on Wednesday the fourteenth day of May next, at twelve o'clock noon.

*Ordered*, That the said resolution be laid on the table.

The House then again resolved itself into a committee of the whole, on the bill entitled "An act in relation to the construction of the New-York and Erie railroad;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Whitney, from the said committee, reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house.

Mr. T. R. Lee moved to lay the said report on the table, and that the said bill, and the amendments offered in committee of the whole, be printed.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. T. R. Lee, and it was determined in the negative.

Mr. Russell moved to amend the sixth section of the said bill, by adding the words "provided no sale upon such lien shall take place until a single track of said road shall be completed to Lake Erie."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Russell, and it was determined in the negative.

{ AYES 32 }  
{ NAYS 63 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Bagg        | Mr. Hine       | Mr. Preston         |
| Mr. Brower      | Mr. Howard     | Mr. Russell         |
| Mr. L. H. Brown | Mr. Jones      | Mr. Sager           |
| Mr. A. H. Buell | Mr. Kinne      | Mr. Searing         |
| Mr. Bunker      | Mr. Knapp      | Mr. R. L. Stevenson |
| Mr. Constant    | Mr. T. R. Lee  | Mr. Strobridge      |
| Mr. Crain       | Mr. Litchfield | Mr. Tefft           |
| Mr. Danforth    | Mr. Long       | Mr. Titus           |
| Mr. Dickson     | Mr. M'Carthy   | Mr. Walrath         |
| Mr. Gregory     | Mr. Morris     | Mr. Whitney         |
| Mr. Hazelton    | Mr. Pardee     |                     |

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Those who voted in the negative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Barber      | Mr. Frisbee      | Mr. Porter          |
| Mr. Betts       | Mr. Garretson    | Mr. Rice            |
| Mr. Bevens      | Mr. Giffard      | Mr. Rogers          |
| Mr. Billings    | Mr. Hall         | Mr. Ross            |
| Mr. Blake       | Mr. Hammond      | Mr. Sherman         |
| Mr. Bloss       | Mr. Hannum       | Mr. A. C. Smith     |
| Mr. Boughton    | Mr. Harris       | Mr. Spring          |
| Mr. S. A. Brown | Mr. Heermans     | Mr. J. Stevenson    |
| Mr. Burdick     | Mr. Hunt         | Mr. Sweeney         |
| Mr. Bush        | Mr. Jarvis       | Mr. Thayer          |
| Mr. Casner      | Mr. Johnson      | Mr. Thompson        |
| Mr. Chase       | Mr. D. Lee       | Mr. Tibbits         |
| Mr. Coe         | Mr. M'Donald     | Mr. Tuthill         |
| Mr. Collins     | Mr. M'Key        | Mr. Van Schoonhoven |
| Mr. Comstock    | Mr. M'Vean       | Mr. Van Valkenburgh |
| Mr. Culver      | Mr. Mann         | Mr. Wells           |
| Mr. De Puy      | Mr. C. B. Miller | Mr. Wheeler         |
| Mr. Edwards     | Mr. S. Miller    | Mr. White           |
| Mr. Fellows     | Mr. Morrison     | Mr. Worden          |
| Mr. Fenn        | Mr. Niven        | Mr. Wyckoff         |
| Mr. Field       | Mr. Oakley       | Mr. Wynant          |

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Mr. Russell moved to strike out the seventh section of the said bill.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Russell, and it was determined in the negative.

Mr. Hine moved to amend the fourteenth section of the said bill, by inserting the words "interior of the" before the words "county of Sullivan," so as to read as proposed by Mr. Morris, when the said section was moved by him as a substitute for the original section of the bill.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Hine, and it was determined in the negative.

{ AYES 31 }  
{ NAYS 62 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |                  |                |
|-----------------|------------------|----------------|
| Mr. Bachman     | Mr. Hazelton     | Mr. Preston    |
| Mr. Bagg        | Mr. Hine         | Mr. Russell    |
| Mr. Brower      | Mr. Jones        | Mr. Sager      |
| Mr. L. H. Brown | Mr. T. R. Lee    | Mr. Searing    |
| Mr. A. H. Buell | Mr. Litchfield   | Mr. W. Smith   |
| Mr. Bunker      | Mr. Long         | Mr. Strobridge |
| Mr. Comstock    | Mr. C. B. Miller | Mr. Tefft      |
| Mr. Danforth    | Mr. Morris       | Mr. Titus      |
| Mr. Dickson     | Mr. Newkirk      | Mr. Walrath    |
| Mr. Gregory     | Mr. Pardee       | Mr. Whitney    |
| Mr. Hall        |                  |                |

31

Those who voted in the negative are

|                 |               |                     |
|-----------------|---------------|---------------------|
| Mr. Barber      | Mr. Giffard   | Mr. Rogers          |
| Mr. Betts       | Mr. G. Goold  | Mr. Ross            |
| Mr. Bevins      | Mr. Hammond   | Mr. Sherman         |
| Mr. Blake       | Mr. Hannum    | Mr. A. C. Smith     |
| Mr. Bloss       | Mr. Howard    | Mr. Spring          |
| Mr. S. A. Brown | Mr. Hunt      | Mr. J. Stevenson    |
| Mr. Burdick     | Mr. Jarvis    | Mr. R. L. Stevenson |
| Mr. Bush        | Mr. Johnson   | Mr. Sweeney         |
| Mr. Casner      | Mr. Knapp     | Mr. Thayer          |
| Mr. Chase       | Mr. D. Lee    | Mr. Thompson        |
| Mr. Coe         | Mr. M'Carthy  | Mr. Tibbits         |
| Mr. Collins     | Mr. M'Key     | Mr. Tuthill         |
| Mr. Constant    | Mr. M'Vean    | Mr. Van Schoonhoven |
| Mr. Culver      | Mr. Mann      | Mr. Van Valkenburgh |
| Mr. De Puy      | Mr. S. Miller | Mr. Wells           |
| Mr. Dewey       | Mr. Morrison  | Mr. Wheeler         |
| Mr. Edwards     | Mr. Niven     | Mr. White           |
| Mr. Fenn        | Mr. Oakley    | Mr. Worden          |

Mr. Field  
Mr. Frisbee  
Mr. Garretson

Mr. Porter  
Mr. Raymond  
Mr. Rice

Mr. Wyckoff  
Mr. Wyanat

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Mr. L. H. Brown moved to amend the title of the bill, so as to read "An act in relation to the New-York and Erie railroad ;" and also to strike out all after the enacting clause, and insert as follows, to wit :

§ 1. The comptroller is hereby authorised and directed to sell the New-York and Erie railroad and its appurtenances, at auction, according to the provisions and restrictions contained in the eleventh section of chapter 170 of the laws of 1836, and the proceeds of the sale shall be added to the Common school fund.

Debates were had thereon ; when

Mr. Speaker put the question whether the House would agree to the said motion of Mr. L. H. Brown, and it was determined in the negative.

} AYES 18 }  
} NAYS 75 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

Mr. Bagg  
Mr. Brower  
Mr. L. H. Brown  
Mr. Bunker  
Mr. Crain  
Mr. Danforth

Mr. Dickson  
Mr. Hazelton  
Mr. Hine  
Mr. Jones  
Mr. T. R. Lee  
Mr. M'Carthy

Mr. Sager  
Mr. Searing  
Mr. W. Smith  
Mr. Tefft  
Mr. Walrath  
Mr. Whitney

18

Those who voted in the negative are

Mr. Barber  
Mr. Betts  
Mr. Bevens  
Mr. Blake  
Mr. Bloss  
Mr. Boughton  
Mr. Bowen  
Mr. S. A. Brown  
Mr. A. H. Buell  
Mr. Burdick  
Mr. Bush  
Mr. Cameron  
Mr. Casner  
Mr. Chase  
Mr. Coe  
Mr. Collins  
Mr. Comstock  
Mr. Culver

Mr. Garretson  
Mr. Giffard  
Mr. G. Goold  
Mr. Hall  
Mr. Hannum  
Mr. Harris  
Mr. Heermans  
Mr. Horton  
Mr. Howard  
Mr. Hunt  
Mr. Jarvis  
Mr. Johnson  
Mr. D. Lee  
Mr. Litchfield  
Mr. Long  
Mr. M'Donald  
Mr. M'Key  
Mr. Mann

Mr. Pardee  
Mr. Porter  
Mr. Preston  
Mr. Raymond  
Mr. Rice  
Mr. Rogers  
Mr. Ross  
Mr. Sherman  
Mr. Spring  
Mr. J. Stevenson  
Mr. R. L. Stevenson  
Mr. Strobbridge  
Mr. Sweeney  
Mr. Thayer  
Mr. Tibbits  
Mr. Titus  
Mr. Tuthill  
Mr. Van Schoonhoven

|             |                  |                     |
|-------------|------------------|---------------------|
| Mr. De Puy  | Mr. C. B. Miller | Mr. Van Valkenburgh |
| Mr. Dewey   | Mr. S. Miller    | Mr. Wells           |
| Mr. Edwards | Mr. Morrison     | Mr. Wheeler         |
| Mr. Fellows | Mr. Moulton      | Mr. White           |
| Mr. Fern    | Mr. Newkirk      | Mr. Worden          |
| Mr. Field   | Mr. Niven        | Mr. Wyckoff         |
| Mr. Frisbee | Mr. Oakley       | Mr. Wynant          |

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Mr. Worden moved to restore the fourteenth section of the said bill, with the following amendments, to wit :

4th line, after "Ulster," insert "and Chenango."

10th line, after "obtained," strike out "within the State," and insert "through the interior of Sullivan county."

15th line, after "Deposite," strike out "within this State," and insert "on said route."

19th line, after "road," strike out the remainder of the section, and insert "on such route as the directors shall decide through said counties of Sullivan, Ulster and Chenango."

So that the same shall read as follows, to wit :

§ 14. The said New-York and Erie Railroad Company are also required to construct their road between the summit of the Shawangunk ridge and Deposite, within the State of New-York, passing through the interior of the county of Sullivan, and, if necessary, through a portion of the counties of Ulster and Chenango, provided a practicable route can be obtained, and the adoption of which will not greatly prejudice the public interests, which shall be decided by the certificate of the said John B. Jervis, Orville W. Childs and Horatio Allen, or by any two of them provided the three cannot agree, after a sufficient survey to be made by them or under their direction, at the expense of the said company ; and if a route can be obtained through the interior of Sullivan county, which the said John B. Jervis, Orville W. Child and Horatio Allen, or any two of them, shall decide to be practicable, and the adoption of which will not greatly prejudice the public interests, then the said John B. Jervis, Orville W. Childs and Horatio Allen, or any two of them, shall locate the road between the said summit of the Shawangunk ridge and Deposite on said route ; but in case the said John B. Jervis, Orville W. Childs and Horatio Allen, or any two of them, shall not so decide and locate the road after such survey, then and in that case the said New-York and Erie Railroad Company are authorised to construct a portion of their said road on such route as the directors shall decide through said counties of Sullivan, Ulster and Chenango.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Worden, and it was determined in the affirmative.

Mr. Bevens moved that the question on agreeing with the committee of the whole in their report be laid on the table, and that the said bill and amendments be printed.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Bevens, and it was determined in the affirmative.

Mr. Comstock moved to pass over the present order of business, consisting of the "Third reading of bills."

On motion of Mr. M. Brooks,

The House then proceeded to the consideration of the resolution of the Senate, in the words following, to wit :

*Resolved*, (if the Assembly concur,) That both branches of the Legislature will adjourn on the eighth day of April next, at twelve o'clock at noon.

Mr. M. Brooks moved to amend the said resolution, by striking out "eighth day of April," and inserting "fourteenth day of May."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. M. Brooks, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to the said resolution, as amended, and it was determined in the affirmative.

*Ordered*, That the Clerk return the said resolution to the Senate, and inform them that the Assembly have amended and concurred in the same.

The bill entitled "An act to amend an act entitled 'An act to lay out a road from Newkirk's mills in the county of Fulton, to Piseco village in the county of Hamilton,' passed April 27th, 1841 ;" and the bill entitled "An act to incorporate the Unadilla and Norwich Turnpike Company," were returned from the Senate.

*Ordered*, That the Clerk deliver the said bills to the Governor.

A message from the Senate was received and read, informing that they had passed the bill therewith delivered, entitled "An act to reduce the number of town officers and town and county expenses, and to prevent abuses in auditing town and county accounts," and request the concurrence of the Assembly in the same.

The said bill was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the internal affairs of towns and counties.

On motion of Mr. Russell,

*Ordered*, That the usual number of copies of the said bill be printed for the use of the Legislature.

A message from the Senate, with the bill and amendments therein mentioned, was received and read, informing that the Senate had non-concurred in the amendments of the Assembly to the bill entitled "An act relative to the State Library."

Mr. M. Brooks moved that the House do recede from their said amendments.

On motion of Mr. Wheeler,

*Ordered*, That the said motion of Mr. M. Brooks be laid on the table.

On motion of Mr. M. Brooks,

The House then adjourned to ten o'clock to-morrow morning.



## SATURDAY, APRIL 19, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Wyckoff.

The minutes of yesterday were read and approved.

The petition of sundry inhabitants of the city of Utica, praying for the passage of a law to increase the number of supervisors of said city, was read, and referred to the committee of the whole when on the bill upon that subject.

The memorial of Junius Smith of the city of New-York, praying for a revival of the charter of the Atlantic Steam Navigation Company, was read, and referred to the committee on trade and manufactures.

The proceedings of the annual town meeting of the town of Plainfield in the county of Otsego, in favor of judicial reform, were read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the sixteenth ward in the city of New-York, praying for the passage of a law extending the water district to 33d-street in said city, was read, and ordered to be laid on the table.

The petition of Mary Ann Van Riper of the city of New-York, praying for relief, was read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the city of New-York, praying for the passage of a law authorising the erection of a bridge across the Hudson river at the city of Albany, was read, and referred to the committee of the whole when on the bill upon that subject.

Two several remonstrances of sundry inhabitants of the counties of Dutchess and Seneca, against the erection of a bridge across the Hudson river at the city of Albany, were read, and referred to the committee of the whole when on the bill upon that subject.

The resolution of the board of supervisors of the county of Lewis, in favor of restoring the distinction between county and town poor in said county, was read, and referred to the committee on the internal affairs of towns and counties.

By unanimous consent, on motion of Mr. Harris,

*Resolved*, That the bill entitled "An act in relation to jurors in the city and county of Albany," and the bill entitled "An act to provide for the compensation of jurors in the city of New-York," be taken from the general orders, and ordered to a third reading.

By unimous consent, on motion of Mr. A. H. Buell,

*Resolved*, That the bill relating to the College of Physicians and Surgeons of the western district of the State of New-York, be taken from the general orders, and attached to the bill entitled "An act to confirm the official acts of Samuel K. Wolcott as a justice of the peace."

By unanimous consent, on motion of Mr. Constant,

*Resolved*, That the bill entitled "An act to incorporate a fire company at Mattewan," be taken from the general orders, and referred to

a select committee, consisting of the members attending this house from the county of Westchester, to report complete.

By unanimous consent, on motion of Mr. Russell,

*Resolved*, That the bill entitled "An act for the relief of Jacob Scramling," be taken from the general orders, and ordered to a third reading.

By unanimous consent, on motion of Mr. J. Young,

*Resolved*, That the bill entitled "An act to amend an act entitled 'An act to incorporate the East River Fire Insurance Company in the city of New-York,' and the acts amendatory thereof," be taken from the general orders, and engrossed for a third reading.

By unanimous consent, on motion of Mr. Walrath,

*Resolved*, That the bill from the Senate, entitled "An act for the relief of Jason C. Osgood and Daniel F. Kellogg of the county of Madison," be taken from the files, and referred to the committee of the whole having in charge the bill entitled "An act for the relief of Isaac I. Yates."

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to incorporate the Hudson Orphan and Relief Association ;" the bill entitled "An act to incorporate the New-York State Insurance Company in the city of New-York," and the bill entitled "An act authorising the appointment of a police justice to reside in the village of Kingston," and found the same severally correctly engrossed.

*Ordered*, That the said bills do have their third reading.

Mr. Billings, from the majority of the committee on banks and insurance companies, to which was referred the petition of the president, directors and company of the Bank of Rochester, praying for an extension of their charter, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Billings accordingly brought in the said bill, entitled "An act to extend for a limited period the charter of the Bank of Rochester ;" which was read the first time, and by unanimous consent was also read a second time.

Mr. Worden moved to recommit the said bill to the committee on banks and insurance companies, with instructions to report the same complete.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Worden, and it was determined in the affirmative.

Mr. D. Lee, from the committee on agriculture, to which was referred the bill entitled "An act relating to the American Institute," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

On motion of Mr. D. Lee,

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act for the relief of Mary Murray and others." and found the same correctly engrossed.

*Ordered*, That the said bill do have its third reading.

Mr. Ross, from the committee on the incorporation of cities and vil-

lages, to which was referred the bill from the Senate, entitled "An act to incorporate the Freeman's Hall Association of the city of Brooklyn," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Ross, from the committee on the incorporation of cities and villages, to which was referred the petition of sundry inhabitants of the county of Orange, praying for an amendment of the charter of the village of Goshen, reported unfavorably to the prayer of the petitioners, and offered the following resolution, to wit :

*Resolved*, That the committee on the incorporation of cities and villages be discharged from the further consideration of the petition for an amendment of the charter of the village of Goshen.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Fonda, from the committee on the militia and public defence, to which was referred the bill from the Senate, entitled "An act for the erection of a flag staff on the Capitol," reported in writing, and concluded by recommending that the bill be passed into a law.

[See Document No. 230.]

On motion of Mr. Fonda,

*Ordered*, That the said bill do have its third reading.

Mr. Oakley, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to provide for the compensation of jurors in the city of Albany," and found the same correctly engrossed.

*Ordered*, That the said bill do have its third reading.

By unanimous consent,

Mr. Harris moved that the said bill be now read the third time.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Harris, and it was determined in the affirmative.

The said engrossed bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. Constant, from the select committee to which was referred the bill entitled "An act in relation to the appointment of superintendents of the poor in the county of Westchester, and for other purposes," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

By unanimous consent, on motion of Mr. Tefft,

*Resolved*, That the bill entitled "An act providing a time for appor-

tioning school money in the several towns in the county of Onondaga, and for the safe keeping of the same," be taken from the files, and referred to a select committee, consisting of the members attending this house from the county of Onondaga, to report complete.

By unanimous consent, on motion of Mr. Gifford,

*Resolved*, That the bill from the Senate, entitled "An act to incorporate the Schenectady Reference Library Company," be ordered to its third reading.

By unanimous consent, on motion of Mr. Wheeler,

*Resolved*, That the bill from the Senate, entitled "An act authorising Charles De la Forest to hold and convey real estate," be taken from the committee of the whole, and ordered to a third reading.

By unanimous consent, on motion of Mr. Kinne,

*Resolved*, That the bill entitled "An act relative to the village of Syracuse," be taken from the files, and referred to the committee having in charge the bill entitled "An act for the removal of insane convicts from the State prisons of this State."

By unanimous consent, on motion of Mr. Newkirk,

*Resolved*, That the petition in relation to the repeal of the act appointing commissioners of highways in the counties of Fulton and Hamilton, be referred back to the committee on the internal affairs of towns and counties.

By unanimous consent, on motion of Mr. Culver,

*Resolved*, That the bill entitled "An act for the relief of John Hutchins," be taken from the general orders, and referred to the committee on colleges, academies and common schools, to report complete.

By unanimous consent, on motion of Mr. Ross,

*Resolved*, That the bill entitled "An act to incorporate the New-York Industrial Association," be referred to the committee on agriculture, to report complete.

By unanimous consent, on motion of Mr. Frisbee,

*Resolved*, That the bill entitled "An act to compensate district school librarians," and the bill entitled "An act to incorporate the Cherrycreek Union Cemetery Society, be taken from the general orders, and referred to their appropriate committees, to report the same complete.

By unanimous consent,

Mr. Van Valkenburgh asked for and obtained leave to bring in a bill, entitled "An act to authorise Elam Bridges and Auren Daboll, executors of Benjamin Bridges, to sell real estate;" which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. Van Valkenburgh,

*Ordered*, That the said bill be referred to the committee on the judiciary, with instructions to report the same complete.

The House then again resolved itself into a committee of the whole, on the bill entitled "An act recommending a Convention of the People of this State;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Whitney, from the said committee, reported progress, and asked for and obtained leave to sit again.

Mr. Oakley, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to authorise the re-



ference of certain actions at law," and found the same correctly engrossed.

*Ordered*, That the said bill do have its third reading.

The bill entitled "An act to amend an act entitled 'An act to incorporate the village of Greene,' passed April 12th, 1842," was returned from the Senate.

*Ordered*, That the Clerk deliver the said bill to the Governor.

A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
Albany, April 18, 1845. }

TO THE ASSEMBLY.

I have this day approved and signed the bill entitled "An act to provide for the erection of a town-house in the town of Gouverneur in the county of St. Lawrence."

Also the bill entitled "An act for the relief of Eleanor F. Wors, widow of John F. Wors, an alien, deceased."

Also the bill entitled "An act to lay out a road from the village of Littlefalls to the town of Warren."

Also the bill entitled "An act to authorise the board of supervisors of the county of Monroe to borrow money, and to build a bridge across the Genesee river."

Also the bill entitled "An act to change the name of the village of Fairport to that of Horseheads."

Also the bill entitled "An act to amend an act entitled 'An act to incorporate the village of Geddes.'"

Also the bill entitled "An act authorising Henry K. Keys to assume the name of Henry K. Heydon."

And also the bill entitled "An act to authorise a tax to be levied in the town of Potsdam, to build a town-house."

SILAS WRIGHT.

A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
Albany, April 19, 1845. }

TO THE ASSEMBLY.

I have this day approved and signed the bill entitled "An act for the relief of Ruth Hawks."

Also the bill entitled "An act to authorise the president, directors and company of the Susquehannah Turnpike Road to abandon a part of their road, and for other purposes."

Also the bill entitled "An act to incorporate the Unadilla and Norwich Turnpike Company."

And also the bill entitled "An act to amend an act entitled 'An act to lay out a road from Newkirk's mills in the county of Fulton, to Piseco village in the county of Hamilton,' passed April 27th, 1841."

SILAS WRIGHT.

Mr. Worden moved that the order of business, consisting of the "Third reading of bills, and motions, resolutions and notices," be passed over.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Worden, and it was determined in the affirmative.

On motion of Mr. Worden,

The House then proceeded to the consideration of the bill entitled "An act in relation to the construction of the New-York and Erie railroad."

The question recurred on agreeing with the committee of the whole in their report on the said bill.

Mr. Worden moved to amend the said bill, as follows, to wit :

Section 8, line 5, after "between," strike out "Deposit in Delaware county," and insert "the summit of the Shawangunk ridge."

Section 13, line 5, after "Page brook," insert "with the privilege of running the same through Chenango county;" and line 26, after "aforesaid," strike out the remainder of the section.

Section 14, line 5, strike out "and Chenango;" line 20, after "Sullivan," insert "and;" and line 21, after "Ulster," strike out "and Chenango," and add "Before the decision of the said engineers, they shall survey all the proposed routes for said road, between the points aforesaid; and before said engineers shall enter upon their duties, they shall be sworn before an officer authorised to administer oaths, faithfully to perform the duties enjoined by this section."

Section 17, restore the original section of the said bill.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Worden, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree with the committee of the whole in their report on the said bill, as amended, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

On motion of Mr. Spring,

The House then adjourned to ten o'clock on Monday morning next.

## MONDAY, APRIL 21, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Welch.

The minutes of Saturday were read and approved.

The petition of sundry inhabitants of the town of Dansville in the county of Livingston, praying that the northeast section of said town, now comprised in the county of Steuben, may be attached to the town of Sparta in the county of Livingston, was read, and referred to the committee on the erection and division of towns and counties.

The petition of the supervisor and other town officers and inhabitants of the town of Massena in the county of St. Lawrence, praying for the passage of an act laying a tax on said town, for the erection of a bridge, was read, and referred to the committee on roads and bridges.

The petition of sundry inhabitants of the county of Suffolk, praying for the passage of a law in relation to amendments to the charter of the Long Island Railroad Company, was read, and referred to the committee on the internal affairs of towns and counties.

The petition of sundry inhabitants of the county of Rensselaer, praying for the reduction of the rate of interest, was read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of the Hurlgate pilots, against any interference with the present pilot laws, was read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the county of Seneca, praying for the passage of a law requiring the several towns in this State to pay the expenses incurred therein to keep the peace, and for other purposes, was read, and referred to the committee of the whole when on the bill upon that subject.

Mr. Boughton, from the committee on grievances, to which was referred the petition of John Roof, for relief, reported in writing, and concluded by offering the following resolution, to wit :

*Resolved*, That the petition of John Roof and others, for compensation for lands taken by the State, be referred, together with the accompanying report and documents, to the Attorney General, to report thereon to this House with all convenient speed.

[See Document No. 239.]

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

On motion of Mr. Moulton,

*Ordered*, That three times the usual number of copies of said report be printed for the use of the Legislature.

Mr. Oakley, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to incorporate the Domestic and Foreign Missionary Society of the Protestant Episcopal Church of the United States of America ;" the bill entitled "An act for

the relief of Jacob Scramling ;" the bill entitled "An act relative to collector's fees in the town of Glenville, Schenectady county, and for other purposes ;" the bill entitled "An act to provide for the compensation of jurors in the city of New-York." the bill entitled "An act to incorporate the Williamsburgh Lyceum ;" the bill entitled "An act to incorporate the Mechanics' and Workingmen's Association of Williamsburgh ;" the bill entitled "An act to incorporate the trustees and associates of the Brooklyn Benevolent Society ;" the bill entitled "An act to amend an act entitled 'An act to incorporate the East River Fire Insurance Company of the city of New-York,' and the acts amendatory thereof ;" and the bill entitled "An act for the laying out of a highway along the Chenango canal, from the Cherryvalley turnpike to the Oriskany falls," and found the same severally correctly engrossed.

*Ordered*, That the said bills do have their third reading.

Mr. Coe, from the committee on canals, to which was referred the petition of Ray Clarke, Ethan Ray Clarke and Samuel Ward Clarke, praying for relief, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Coe accordingly brought in the said bill, entitled "An act for the relief of Ray Clarke, Ethan Ray Clarke and Samuel Ward Clarke ;" which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. C. B. Miller,

*Ordered*, That the said bill be referred to the committee of the whole having charge of the bill entitled "An act to change the name of Samuel G. Chaffee."

By unanimous consent,

Mr. Coe offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That each day hereafter, the hour of convening for business in the morning shall be nine o'clock.

*Ordered*, That the said resolution be laid on the table.

By unanimous consent,

Mr. C. B. Miller offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill entitled "An act for the relief of Calvin T. Chamberlain," be taken from the general orders, and referred to the same committee having in charge the bill entitled "An act to change the name of Samuel G. Chaffee."

Mr. Comstock, from the select committee to which was referred the bill introduced by Mr. Crain, entitled "An act recommending a Convention of the People of this State," submitted a written report, which was read, and ordered to be laid upon the table.

[See Document No. 231.]

Mr. J. Young moved that fifteen times the usual number of copies of the said report be printed.

Mr. J. Young also moved that the question on the preceding motion be laid on the table.



Mr. Speaker put the question whether the House would agree to the last motion of Mr. J. Young, and it was determined in the affirmative.

A message from the Senate, with the petition therein mentioned, was received and read, in the words following, to wit :

*Ordered*, That the committee on literature, to which was recommit-  
ted the petition of inhabitants of the village of Montgomery, Orange  
county, for a modification of the charter of the academy in that place,  
be discharged from the further consideration thereof, and that the same  
be transmitted to the Assembly.

By unanimous consent,

Mr. Walrath offered for the consideration of the House a resolution,  
in the words following, to wit :

*Resolved*, That ten times the usual number of copies of the report  
of the committee on the militia and public defence, on the bill from the  
Senate, entitled "An act for the erection of a flag staff on the Capitol,"  
be printed.

Mr. Speaker put the question whether the House would agree to the  
said resolution, and it was determined in the affirmative.

The House then again resolved itself into a committee of the whole,  
on the bill entitled "An act recommending a Convention of the People  
of this State ;" and after some time spent thereon, Mr. Speaker re-  
sumed the chair, and announced that the hour of half past one o'clock  
had arrived.

Whereupon,

The House took a recess until half past three o'clock this afternoon.

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### HALF PAST THREE O'CLOCK P. M.

The House again met.

The House, in committee of the whole, resumed the consideration of  
the bill entitled "An act recommending a Convention of the People of  
this State ;" and after some time spent thereon, Mr. Speaker resumed  
the chair, and Mr. Bevins, from the said committee, reported progress,  
and asked for and obtained leave to sit again.

On motion of Mr. Russell,

The House took a recess till half past seven o'clock this afternoon.

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### HALF PAST SEVEN O'CLOCK P. M.

The House again met.

The House then again resolved itself into a committee of the whole,  
on the bill entitled "An act recommending a Convention of the People  
of this State ;" and after some time spent thereon, Mr. Speaker resumed  
the chair, and Mr. Bevins, from the said committee, reported, that there  
was not a quorum in attendance.

Mr. Walrath moved a call of the House.

Mr. Speaker put the question whether the members present would agree to the said motion, and it was determined in the affirmative.

Whereupon the lobbies and galleries were cleared, and the doors closed.

The roll was then called, when it appeared that forty-five members were in attendance, as follows, to wit :

|               |                  |                     |
|---------------|------------------|---------------------|
| Mr. Barber    | Mr. Field        | Mr. Russell         |
| Mr. Betts     | Mr. Fonda        | Mr. Sager           |
| Mr. Bevins    | Mr. Frisbee      | Mr. Searing         |
| Mr. Bloss     | Mr. G. Goold     | Mr. Skelton         |
| Mr. Boughton  | Mr. Harris       | Mr. A. C. Smith     |
| Mr. Bowen     | Mr. Hazelton     | Mr. Speaker         |
| Mr. M. Brooks | Mr. Jarvis       | Mr. J. Stevenson    |
| Mr. Cameron   | Mr. D. Lee       | Mr. Sweeney         |
| Mr. Coe       | Mr. M'Vean       | Mr. Tefft           |
| Mr. Collins   | Mr. C. B. Miller | Mr. Thompson        |
| Mr. Comstock  | Mr. Oakley       | Mr. Titus           |
| Mr. Constant  | Mr. Preston      | Mr. Van Schoonhoven |
| Mr. Crain     | Mr. Raymond      | Mr. Walrath         |
| Mr. Culver    | Mr. Rogers       | Mr. Wheeler         |
| Mr. Fellows   | Mr. Ross         | Mr. White           |

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Whereupon,

The officers of the House, in obedience to directions from the Chair, proceeded to admit the absentees.

Mr. Jones appeared ; and,

On motion of Mr. D. Lee,

*Resolved*, That Mr. Jones be excused for non-attendance.

Mr. T. R. Lee appeared ; and,

On motion of Mr. D. Lee,

*Resolved*, That Mr. T. R. Lee be excused for non-attendance.

Mr. Harris moved to suspend all further proceedings under the call of the House.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Harris, and it was determined in the negative.

Mr. Porter appeared ; and,

On motion of Mr. Spring,

*Resolved*, That Mr. Porter be excused for non-attendance.

Mr. Morrison appeared ; and,

On motion of Mr. Bevins,

*Resolved*, That Mr. Morrison be excused for non-attendance.

Mr. Edwards, Mr. Bush, Mr. De Puy, Mr. A. H. Buell, Mr. Sherman, Mr. Bunker, Mr. Casner, Mr. Bagg, Mr. Litchfield, Mr. Long and Mr. M'Key, severally appeared.

Mr. Wheeler offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the members of the House, who were absent at the call of the House, and who have not been excused, be required to give

their excuses severally to-morrow morning, when the roll shall be called for that purpose.

Mr. M. Brooks moved to lay the said resolution on the table.<sup>1</sup>

Mr. Speaker put the question whether the House would agree to the said motion of Mr. M. Brooks, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Van Valkenburgh appeared.

Mr. D. Lee moved that all the members present, who had not been excused for non-attendance, be excused for the same.

Mr. Coe moved to amend the said motion of Mr. D. Lee, so as to except Mr. M'Key.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Coe, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to the said motion of Mr. D. Lee, as amended, and it was determined in the affirmative.

Mr. M Key's name was called.

Mr. Wheeler moved that he be reprimanded by the Speaker.

Mr. C. B. Miller moved to lay the said motion of Mr. Wheeler upon the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. C. B. Miller, and it was determined in the affirmative.

Mr. Carpenter appeared ; and,

On motion of Mr. Collins,

*Resolved*, That Mr. Carpenter be excused for non-attendance.

Mr. Gregory appeared ; and,

On motion of Mr. M. Brooks,

*Resolved*, That Mr. Gregory be excused for non-attendance.

Mr. Comstock moved to suspend all further proceedings under the call of the House.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Comstock, and it was determined in the negative.

Mr. David B. Groat, Sergeant-at-arms, appeared ; and,

On motion of Mr. Bloss,

*Ordered*, That Mr. David B. Groat have leave to make his excuse for non-attendance on the call of the House.

On motion of Mr. Bloss,

*Resolved*, That Mr. David B. Groat be excused for non-attendance.

Mr. Horton appeared ; and,

On motion of Mr. C. B. Miller,

*Resolved*, That Mr. Horton be excused for non-attendance.

Mr. Hine appeared ; and,

On motion of Mr. Wheeler,

*Resolved*, That Mr. Hine be excused for non-attendance.

Mr. Kinne appeared ; and,

On motion of Mr. Wheeler,

*Resolved*, That Mr. Kinne be excused for non-attendance.

Mr. Hammond appeared ; and,

On motion of Mr. Bloss,

*Resolved*, That Mr. Hammond be excused for non-attendance.

Mr. Russell moved to suspend all further proceedings under the call of the House, except so much as is otherwise provided for in the preceding resolution offered by Mr. Wheeler.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Russell, and it was determined in the affirmative.

By unanimous consent,

Mr. Sweeney offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That such members of this House as have not spoken on the bill recommending a Convention, be allowed to speak each ten minutes on that subject to-morrow, on the final passage of the bill ; and that the question on the final passage of the same be taken to-morrow at six o'clock in the afternoon.

Mr. Gregory moved to amend the said resolution, by substituting "twenty minutes" for "ten minutes."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Gregory, and it was determined in the negative.

Mr. Wheeler moved to amend the said resolution, by substituting "fifteen minutes" for "ten minutes."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Wheeler, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to the said resolution, as amended, and it was determined in the affirmative.

*Ordered*, That Mr. E. Crosby have leave of absence for the remainder of the session, Mr. C. F. Crosby for three days, Mr. A. W. Young for three days, Mr. Rice for one day, Mr. Tibbits for four days, and Mr. Hervey for three days.

On motion of Mr. Comstock,

The House then adjourned to ten o'clock to-morrow morning.

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## TUESDAY, APRIL 22, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Meyer.

The minutes of yesterday were read and approved.

By unanimous consent,

Mr. D. Lee offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That all further proceedings under the call of the House, had last evening, be dispensed with.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

The petition of forty-two members of the bar of the county of Erie, praying for the passage of a law directing the Supreme Court to hold



three of its eight special terms in the village of Geneva, was read, and referred to the committee on the judiciary.

The proceedings of a democratic meeting of the southern towns of the county of Lewis, urging the immediate completion of the Black River canal, were read, and referred to the committee on canals.

The petition of sundry inhabitants of the town of Savannah in the county of Wayne, praying for the passage of a law in relation to town officers, was read, and referred to the committee on the internal affairs of towns and counties.

The petition of Joseph L. Harris, a deputy surveyor, praying for relief, was read, and referred to the committee on the internal affairs of towns and counties.

The petition of sundry inhabitants of the county of Lewis, praying for the passage of a law giving to their board of supervisors certain discretionary powers relating to their poor-house arrangements, was read, and referred to the committee on the internal affairs of towns and counties.

The remonstrance of sundry inhabitants of the city of Troy, against the incorporation of the American and Foreign Bible Society, was read, and ordered to be laid upon the table.

The remonstrance of John W. Mason and others, against the erection of a bridge across the Hudson river at the city of Albany, was read, and referred to the committee of the whole when on the bill upon that subject.

The proceedings of a public meeting held in the town of Portage in the county of Allegany, in favor of continuing the office of county superintendent of common schools, were read, and referred to the committee of the whole when on the bill upon that subject.

Mr. Frisbee, from the committee on roads and bridges, to which was referred the petition of the supervisor and other inhabitants of the town of Massena in the county of St. Lawrence, praying for the passage of an act relative to the erection of a bridge in said town, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Frisbee accordingly brought in the said bill, entitled "An act to provide for the construction of a bridge at Massena in the county of St. Lawrence;" which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. Russell,

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Frisbee, from the committee on roads and bridges, to which was referred the bill entitled "An act to construct a bridge over the Buffalo creek, on the Abbott's road in the county of Erie," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. D. Lee, from the committee on agriculture, to which was referred the bill entitled "An act to incorporate the New-York Industrial Asso-

ciation," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Billings, from the committee on banks and insurance companies, to which was referred the bill entitled "An act to extend for a limited period the charter of the Bank of Rochester," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Tefft, from the committee on claims, to which was referred the petition of Andrew J. Yates, praying for relief, reported unfavorably to the prayer of the petitioner, and offered the following resolution, to wit:

*Resolved*, That the prayer of the petitioner ought not to be granted.

On motion of Mr. Fonda,

*Ordered*, That the said resolution be laid on the table.

Mr. Tefft, from the committee on claims, to which was referred the bill from the Senate, entitled "An act for the relief of Lyman Carpenter," reported, that the committee had examined the said bill, and are of the opinion that the same ought not to be passed into a law.

*Ordered*, That the said bill be laid on the table.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act concerning attachments against absconding, concealed and non-resident debtors;" the bill entitled "An act relating to the American Institute;" and the bill entitled "An act to enable resident aliens to hold and convey real estate, and for other purposes," and found the same severally correctly engrossed.

*Ordered*, That the said bills do have their third reading.

Mr. Ross, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to amend the acts relative to the village of Liverpool," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Howard, from the committee on canals, to which was referred so much of the message of the Governor as relates to canals, reported in part, and asked leave to bring in a bill.

Leave being granted, Mr. Howard accordingly brought in the said bill, entitled "An act in relation to the canals;" which was read the first time, and by unanimous consent was also read a second time.

Mr. Coe moved to refer the said bill to the committee of the whole, when on the first bill on the general orders.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Coe, and it was determined in the affirmative.

Mr. Tefft, from the committee on claims, to which was referred the petition of Jonas Ingraham, praying for relief, reported unfavorably to the prayer of the petitioner, and offered the following resolution, to wit :

*Resolved*, That the committee on claims be discharged from the further consideration of the petition of Jonas Ingraham.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to incorporate the Cherrycreek Union Cemetery Society," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to consolidate and amend the several acts relating to the village of Rome ;" and the bill entitled "An act in relation to the appointment of superintendents of the poor in the county of Westchester, and for other purposes," and found the same severally correctly engrossed.

*Ordered*, That the said bills do have their third reading.

By unanimous consent, on motion of Mr. Sager,

*Resolved*, That the county of Greene be stricken out of the bill entitled "An act authorising the board of supervisors of the county of Madison to restore the distinction between county and town poor."

By unanimous consent, on motion of Mr. Bush,

*Resolved*, That the bill entitled "An act to provide for the construction of a railroad from Attica to Hornellsville," and the bill entitled "An act to provide for the construction of a railroad from the village of Canandaigua in the county of Ontario, to the village of Corning in the county of Steuben," be referred to a select committee to report complete.

Mr. L. H. Brown, from the committee on colleges, academies and common schools, to which was referred the bill entitled "An act to compensate district school librarians," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. L. H. Brown, from the committee on colleges, academies and common schools, to which was referred the bill entitled "An act for the relief of John Hutchings," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.



Mr. Harris, from the minority of the select committee on the petitions for an alteration of the law of landlord and tenant, asked leave to bring in a bill.

Mr. Speaker put the question whether the House would grant the leave asked, and it was determined in the affirmative.

Mr. Harris accordingly brought in the said bill, entitled "An act to equalize taxation;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

On motion of Mr. T. R. Lee,

*Ordered*, That ten times the usual number of copies of the report of the majority of the select committee on the petitions relative to the law of landlord and tenant, be printed.

Mr. Carpenter, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act in relation to the construction of the New-York and Erie railroad," and found the same correctly engrossed.

*Ordered*, That the said bill do have its third reading.

*Ordered*, That Mr. Brower have leave of absence for four days, and Mr. Heermans for three days.

In pursuance of a special order,

The House then proceeded to the consideration of the bill entitled "An act recommending a Convention of the People of this State."

Mr. Russell moved to amend the said bill as follows, to wit :

After the word "favor," in the seventh line of the first section, insert "of this act and ;" and after the word "thereto," in the eighth line of the same section, insert "to this act, and to the convention thereby recommended."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Russell, and it was determined in the negative.

Mr. T. R. Lee moved to amend the said bill as follows, to wit :

After the words "supervisor or," in the third line of the fourth section, strike out "assessor ;" and after the word "serve," in the fourth line of the same section, insert "then to the assessor."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. T. R. Lee, and it was determined in the affirmative.

Mr. T. R. Lee moved to amend the said bill as follows, to wit :

After the word "aforesaid," in the eighth line of the fifth section, insert "and being at least equal in number to a majority of all the votes cast for the office of governor of this State at the general election in November last."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. T. R. Lee, and it was determined in the negative.

{ AYES 37 }  
{ NAYS 76 }

The ayes and nays being required by ten members,



## Those who voted in the affirmative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bevens      | Mr. Hall         | Mr. Russell         |
| Mr. Billings    | Mr. Hane         | Mr. Sager           |
| Mr. M. Brooks   | Mr. Howard       | Mr. Sears           |
| Mr. L. H. Brown | Mr. Jones        | Mr. A. C. Smith     |
| Mr. Burdick     | Mr. T. R. Lee    | Mr. W. Smith        |
| Mr. Cameron     | Mr. M'Key        | Mr. Speaker         |
| Mr. Carpenter   | Mr. C. B. Miller | Mr. Strobbridge     |
| Mr. Comstock    | Mr. S. Miller    | Mr. Thayer          |
| Mr. Constant    | Mr. Newkirk      | Mr. Tuthill         |
| Mr. Danforth    | Mr. Niven        | Mr. Van Valkenburgh |
| Mr. Fellows     | Mr. Pardee       | Mr. Walrath         |
| Mr. Fonda       | Mr. Pierce       | Mr. Whitney         |
| Mr. Gregory     |                  |                     |

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## Those who voted in the negative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Bagg         | Mr. Garretson  | Mr. Oakley          |
| Mr. Bailey       | Mr. Giffard    | Mr. Preston         |
| Mr. Barber       | Mr. G. Gould   | Mr. Raymond         |
| Mr. Betts        | Mr. Hammond    | Mr. Rice            |
| Mr. Blake        | Mr. Hannum     | Mr. Rogers          |
| Mr. Bloss        | Mr. Harden     | Mr. Ross            |
| Mr. Boughton     | Mr. Harris     | Mr. Salisbury       |
| Mr. Brower       | Mr. Hazelton   | Mr. Searing         |
| Mr. J. Brooks    | Mr. Heermans   | Mr. Sherman         |
| Mr. S. A. Brown  | Mr. Horton     | Mr. Skelton         |
| Mr. A. H. Buell  | Mr. Hunt       | Mr. Spring          |
| Mr. Bunker       | Mr. Jarvis     | Mr. J. Stevenson    |
| Mr. Bush         | Mr. Johnson    | Mr. R. L. Stevenson |
| Mr. Casner       | Mr. Kinne      | Mr. Sweeney         |
| Mr. Chase        | Mr. Knapp      | Mr. Tefft           |
| Mr. Coe          | Mr. D. Lee     | Mr. Thompson        |
| Mr. Collins      | Mr. Litchfield | Mr. Titus           |
| Mr. Crain        | Mr. Long       | Mr. Van Schoonhoven |
| Mr. C. F. Crosby | Mr. M'Carthy   | Mr. Wells           |
| Mr. Culver       | Mr. M'Donald   | Mr. Wheeler         |
| Mr. De Puy       | Mr. Mann       | Mr. White           |
| Mr. Dewey        | Mr. Mersereau  | Mr. Worden          |
| Mr. Edwards      | Mr. Morris     | Mr. Wyckoff         |
| Mr. Fenn         | Mr. Morrison   | Mr. Wynant          |
| Mr. Field        | Mr. Moulton    | Mr. J. Young        |
| Mr. Frisbee      |                |                     |

76

Mr. Hazelton moved to amend the said bill as follows, to wit :

After the word "aforesaid," in the twelfth line of the fifth section, insert "equal to a majority of all the votes given for the office of senator at such election."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Hazelton, and it was determined in the negative.

{ AYES 42 }  
{ NAYS 72 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bagg        | Mr. Hall         | Mr. Porter          |
| Mr. Bevens      | Mr. Hazelton     | Mr. Rogers          |
| Mr. Billings    | Mr. Hine         | Mr. Russell         |
| Mr. M. Brooks   | Mr. Howard       | Mr. Sager           |
| Mr. L. H. Brown | Mr. Jones        | Mr. Sears           |
| Mr. Burdick     | Mr. T. R. Lee    | Mr. A. C. Smith     |
| Mr. Cameron     | Mr. M'Key        | Mr. W. Smith        |
| Mr. Carpenter   | Mr. C. B. Miller | Mr. Speaker         |
| Mr. Comstock    | Mr. S. Miller    | Mr. Strobridge      |
| Mr. Constant    | Mr. Morris       | Mr. Thayer          |
| Mr. Danforth    | Mr. Newkirk      | Mr. Tutbill         |
| Mr. Fellows     | Mr. Niven        | Mr. Van Valkenburgh |
| Mr. Fonda       | Mr. Pardee       | Mr. Walrath         |
| Mr. Gregory     | Mr. Pierce       | Mr. Whitney         |

42

Those who voted in the negative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Bailey       | Mr. Frisbee    | Mr. Oakley          |
| Mr. Barber       | Mr. Garretson  | Mr. Preston         |
| Mr. Betts        | Mr. Giffard    | Mr. Raymond         |
| Mr. Blake        | Mr. G. Goold   | Mr. Rice            |
| Mr. Bloss        | Mr. Hammond    | Mr. Ross            |
| Mr. Boughton     | Mr. Hannum     | Mr. Salisbury       |
| Mr. Bowen        | Mr. Harden     | Mr. Searing         |
| Mr. J. Brooks    | Mr. Harris     | Mr. Sherman         |
| Mr. S. A. Brown  | Mr. Heermans   | Mr. Skelton         |
| Mr. A. H. Buell  | Mr. Horton     | Mr. Spring          |
| Mr. Bunker       | Mr. Hunt       | Mr. J. Stevenson    |
| Mr. Bush         | Mr. Jarvis     | Mr. R. L. Stevenson |
| Mr. Casner       | Mr. Johnson    | Mr. Sweeney         |
| Mr. Chase        | Mr. Kinne      | Mr. Tefft           |
| Mr. Coe          | Mr. Knapp      | Mr. Thompson        |
| Mr. Collins      | Mr. D. Lee     | Mr. Titus           |
| Mr. Crain        | Mr. Litchfield | Mr. Van Schoonhoven |
| Mr. C. F. Crosby | Mr. Long       | Mr. Wells           |
| Mr. Culver       | Mr. M'Carthy   | Mr. Wheeler         |
| Mr. De Puy       | Mr. M'Donald   | Mr. White           |
| Mr. Dewey        | Mr. Mann       | Mr. Worden          |
| Mr. Edwards      | Mr. Mersereau  | Mr. Wyckoff         |
| Mr. Fenn         | Mr. Morrison   | Mr. Wynant          |
| Mr. Field        | Mr. Moulton    | Mr. J. Young        |

72

Mr. Wheeler moved to amend the said bill as follows, to wit :

After the word "officers," in the third line of the fifth section, insert "passed April 5th, 1842."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Wheeler, and it was determined in the affirmative.

Mr. Niven moved to amend the said bill, by substituting the following for the seventh section, to wit :

§ 7. It shall be the duty of the said convention to propose an amendment or amendments to the Constitution, in such terms as said convention shall deem proper, containing a guaranty or guaranties for the payment within a specified time of the debts of the State ; also of another amendment or amendments, containing a restriction or restrictions upon the power of the legislature to contract debts beyond a specified amount, in the name of the people of this State, without submitting the law for that purpose to the people for their approval, except in case of insurrection or invasion.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Niven, and it was determined in the negative.

} AYES 42 }  
} NAYS 73 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |                  |                 |
|-----------------|------------------|-----------------|
| Mr. Bachman     | Mr. Fonda        | Mr. Niven       |
| Mr. Bagg        | Mr. Gregory      | Mr. Pardee      |
| Mr. Bevens      | Mr. Hall         | Mr. Pierce      |
| Mr. Billings    | Mr. Hazelton     | Mr. Russell     |
| Mr. M. Brooks   | Mr. Hine         | Mr. Sager       |
| Mr. L. H. Brown | Mr. Howard       | Mr. Sears       |
| Mr. Bunker      | Mr. Jones        | Mr. A. C. Smith |
| Mr. Burdick     | Mr. Knapp        | Mr. W. Smith    |
| Mr. Cameron     | Mr. T. R. Lee    | Mr. Speaker     |
| Mr. Carpenter   | Mr. M'Key        | Mr. Sirobridge  |
| Mr. Comstock    | Mr. C. B. Miller | Mr. Thayer      |
| Mr. Constant    | Mr. S. Miller    | Mr. Tuthill     |
| Mr. Danforth    | Mr. Morris       | Mr. Walrath     |
| Mr. Fellows     | Mr. Newkirk      | Mr. Whitney     |

42

Those who voted in the negative are

|              |              |               |
|--------------|--------------|---------------|
| Mr. Bailey   | Mr. Giffard  | Mr. Raymond   |
| Mr. Barber   | Mr. G. Goold | Mr. Rice      |
| Mr. Betts    | Mr. Hammond  | Mr. Rogers    |
| Mr. Blake    | Mr. Hannum   | Mr. Ross      |
| Mr. Bloss    | Mr. Harden   | Mr. Salisbury |
| Mr. Boughton | Mr. Harris   | Mr. Searing   |
| Mr. Bowen    | Mr. Heermans | Mr. Sherman   |

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. J. Brooks    | Mr. Horton     | Mr. Skelton         |
| Mr. S. A. Brown  | Mr. Hunt       | Mr. Spring          |
| Mr. A. H. Buell  | Mr. Jarvis     | Mr. J. Stevenson    |
| Mr. Bush         | Mr. Johnson    | Mr. R. L. Stevenson |
| Mr. Casner       | Mr. Kinne      | Mr. Sweeney         |
| Mr. Chase        | Mr. D. Lee     | Mr. Tefft           |
| Mr. Coe          | Mr. Litchfield | Mr. Thompson        |
| Mr. Collins      | Mr. Long       | Mr. Titus           |
| Mr. Crain        | Mr. M'Carthy   | Mr. Van Schoonhoven |
| Mr. C. F. Crosoy | Mr. M'Donald   | Mr. Van Valkenburgh |
| Mr. Culver       | Mr. Mann       | Mr. Wells           |
| Mr. De Puy       | Mr. Mersereau  | Mr. Wheeler         |
| Mr. Dewey        | Mr. Morrison   | Mr. White           |
| Mr. Edwards      | Mr. Moulton    | Mr. Worden          |
| Mr. Fenn         | Mr. Oakley     | Mr. Wyckoff         |
| Mr. Field        | Mr. Porter     | Mr. Wynant          |
| Mr. Frisbee      | Mr. Preston    | Mr. J. Young        |
| Mr. Garretson    |                |                     |

73

Mr. Whitney moved to amend the said bill, as proposed by Mr. Van Valkenburgh in committee of the whole, as follows, to wit :

Add the following as a new section, to come in after the sixth section, to wit :

§ 7. The said convention shall not be authorised to propose any alteration of the Constitution, which shall restrict or authorise the legislature to restrict the right of suffrage as secured by the present Constitution.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Whitney, and it was determined in the negative.

{ AYES 40 }  
{ NAYS 75 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |               |                     |
|-----------------|---------------|---------------------|
| Mr. Bachman     | Mr. Gregory   | Mr. Pierce          |
| Mr. Barber      | Mr. Hill      | Mr. Russell         |
| Mr. Bevens      | Mr. Hazelton  | Mr. Sager           |
| Mr. Billings    | Mr. Hine      | Mr. Sears           |
| Mr. M. Brooks   | Mr. Horton    | Mr. A. C. Smith     |
| Mr. L. H. Brown | Mr. Howard    | Mr. W. Smith        |
| Mr. Burdick     | Mr. Jones     | Mr. Speaker         |
| Mr. Bush        | Mr. Knapp     | Mr. Strobbridge     |
| Mr. Cameron     | Mr. M'Key     | Mr. Thayer          |
| Mr. Comstock    | Mr. S. Miller | Mr. Tuthill         |
| Mr. Constant    | Mr. Newkirk   | Mr. Van Valkenburgh |
| Mr. Fellows     | Mr. Niven     | Mr. Walrath         |
| Mr. Fonda       | Mr. Pardee    | Mr. Whitney         |
| Mr. Garretson   |               |                     |

40



Those who voted in the negative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bagg         | Mr. Frisbee      | Mr. Oakley          |
| Mr. Bailey       | Mr. Gifford      | Mr. Porter          |
| Mr. Betts        | Mr. G. Goold     | Mr. Preston         |
| Mr. Blake        | Mr. Hammond      | Mr. Raymond         |
| Mr. Bloss        | Mr. Hannum       | Mr. Rice            |
| Mr. Boughton     | Mr. Harden       | Mr. Rogers          |
| Mr. Bowen        | Mr. Harris       | Mr. Ross            |
| Mr. J. Brooks    | Mr. Heermans     | Mr. Salisbury       |
| Mr. S. A. Brown  | Mr. Hunt         | Mr. Searing         |
| Mr. A. H. Buell  | Mr. Jarvis       | Mr. Sherman         |
| Mr. Bunker       | Mr. Johnson      | Mr. Skelton         |
| Mr. Carpenter    | Mr. Kinne        | Mr. Spring          |
| Mr. Casner       | Mr. D. Lee       | Mr. J. Stevenson    |
| Mr. Chase        | Mr. T. R. Lee    | Mr. R. L. Stevenson |
| Mr. Coe          | Mr. Litchfield   | Mr. Sweeney         |
| Mr. Collins      | Mr. Long         | Mr. Tefft           |
| Mr. Crain        | Mr. M'Carthy     | Mr. Thompson        |
| Mr. C. F. Crosby | Mr. M'Donald     | Mr. Titus           |
| Mr. Culver       | Mr. M'Vean       | Mr. Van Schoonhoven |
| Mr. Danforth     | Mr. Mann         | Mr. Wells           |
| Mr. De Puy       | Mr. Mersereau    | Mr. Wheeler         |
| Mr. Dewey        | Mr. C. B. Miller | Mr. White           |
| Mr. Edwards      | Mr. Morris       | Mr. Wyckoff         |
| Mr. Fenn         | Mr. Morrison     | Mr. Wynant          |
| Mr. Field        | Mr. Moulton      | Mr. J. Young        |

75

Mr. L. H. Brown moved to amend the said bill, as follows, to wit :

Insert a new section, to come in as the seventh section, to wit :

§ 7. The said convention shall not be authorised to propose any amendment to the present Constitution, which shall divert or authorise the legislature to divert the Common school fund from the purposes to which the said Constitution guarantees that it "shall be inviolably appropriated and applied."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. L. H. Brown, and it was determined in the negative.

{ AYES 39 }  
{ NAYS 73 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |              |             |
|-----------------|--------------|-------------|
| Mr. Bevens      | Mr. Hazelton | Mr. Pierce  |
| Mr. Billings    | Mr. Hine     | Mr. Rogers  |
| Mr. M. Brooks   | Mr. Howard   | Mr. Russell |
| Mr. L. H. Brown | Mr. Jones    | Mr. Sager   |
| Mr. S. A. Brown | Mr. Knapp    | Mr. Sears   |

|              |                  |                 |
|--------------|------------------|-----------------|
| Mr. Burdick  | Mr. T. R. Lee    | Mr. A. C. Smith |
| Mr. Cameron  | Mr. M'Key        | Mr. W. Smith    |
| Mr. Comstock | Mr. C. B. Miller | Mr. Speaker     |
| Mr. Danforth | Mr. S. Miller    | Mr. Strobridge  |
| Mr. Fellows  | Mr. Morris       | Mr. Thayer      |
| Mr. Fonda    | Mr. Newkirk      | Mr. Walrath     |
| Mr. Gregory  | Mr. Niven        | Mr. Whitney     |
| Mr. Hall     | Mr. Pardee       | Mr. Wynant      |

39

Those who voted in the negative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Bachman      | Mr. Field      | Mr. Oakley          |
| Mr. Bagg         | Mr. Frisbee    | Mr. Porter          |
| Mr. Bailey       | Mr. Garretson  | Mr. Preston         |
| Mr. Barber       | Mr. Giffard    | Mr. Raymond         |
| Mr. Betts        | Mr. G. Goold   | Mr. Rice            |
| Mr. Blake        | Mr. Hammond    | Mr. Ross            |
| Mr. Bloss        | Mr. Hannum     | Mr. Salisbury       |
| Mr. Boughton     | Mr. Harris     | Mr. Searing         |
| Mr. Bowen        | Mr. Heermans   | Mr. Sherman         |
| Mr. J. Brooks    | Mr. Horton     | Mr. Skelton         |
| Mr. A. H. Buell  | Mr. Hunt       | Mr. Spring          |
| Mr. Bunker       | Mr. Jarvis     | Mr. J. Stevenson    |
| Mr. Bush         | Mr. Johnson    | Mr. R. L. Stevenson |
| Mr. Carpenter    | Mr. Kinne      | Mr. Sweeney         |
| Mr. Casner       | Mr. D. Lee     | Mr. Tefft           |
| Mr. Chase        | Mr. Litchfield | Mr. Thompson        |
| Mr. Coe          | Mr. Long       | Mr. Tiues           |
| Mr. Collins      | Mr. M'Carthy   | Mr. Tenthill        |
| Mr. Crain        | Mr. M'Donald   | Mr. Van Schoonhoven |
| Mr. C. F. Crosby | Mr. M'Vean     | Mr. Wells           |
| Mr. Culver       | Mr. Mann       | Mr. Wheeler         |
| Mr. De Puy       | Mr. Mersereau  | Mr. White           |
| Mr. Dewey        | Mr. Morrison   | Mr. Wyckoff         |
| Mr. Edwards      | Mr. Moulton    | Mr. J. Young        |
| Mr. Fenn         |                |                     |

73

Mr. Wheeler moved to amend the said bill as follows, to wit :

At the end of the seventh section, add "but no person holding any office under the government of the United States, at the time said convention meets, or during its session, shall take or hold a seat in said convention."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Wheeler, and it was determined in the affirmative.

Mr. Russell moved to amend the ninth section of the said bill, as follows, to wit :

In the fifth line, strike out "together or."

In the sixth line, after "proposition," insert "upon each subject of alteration or amendment proposed by the convention, to be determined by votes of such citizens at the general election to be held in the year

one thousand eight hundred and forty-six," and strike out "as to them shall seem expedient."

In the seventh line, after "prescribe," insert "the manner of taking such votes," and strike out "the time and manner of holding an election for that purpose."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Russell, and it was determined in the negative.

{ AYES 46 }  
{ NAYS 65 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |                  |                 |
|-----------------|------------------|-----------------|
| Mr. Bevens      | Mr. Hine         | Mr. Porter      |
| Mr. Billings    | Mr. Howard       | Mr. Rogers      |
| Mr. M. Brooks   | Mr. Johnson      | Mr. Russell     |
| Mr. L. H. Brown | Mr. Jones        | Mr. Sager       |
| Mr. S. A. Brown | Mr. Knapp        | Mr. Sears       |
| Mr. Burdick     | Mr. D. Lee       | Mr. A. C. Smith |
| Mr. Cameron     | Mr. T. R. Lee    | Mr. W. Smith    |
| Mr. Carpenter   | Mr. M'Key        | Mr. Speaker     |
| Mr. Comstock    | Mr. C. B. Miller | Mr. Strobridge  |
| Mr. Constant    | Mr. S. Miller    | Mr. Sweeney     |
| Mr. Danforth    | Mr. Morris       | Mr. Thayer      |
| Mr. Fellows     | Mr. Moulton      | Mr. Thompson    |
| Mr. Fonda       | Mr. Niven        | Mr. Tutbill     |
| Mr. Gregory     | Mr. Pardee       | Mr. Walrath     |
| Mr. Hall        | Mr. Pierce       | Mr. Whitney     |
| Mr. Hazelton    |                  |                 |

46

Those who voted in the negative are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Bagg        | Mr. Fenn       | Mr. Morrison        |
| Mr. Bailey      | Mr. Field      | Mr. Oakley          |
| Mr. Barber      | Mr. Frisbee    | Mr. Preston         |
| Mr. Betts       | Mr. Garretson  | Mr. Raymond         |
| Mr. Blake       | Mr. Giffard    | Mr. Rice            |
| Mr. Bloss       | Mr. G. Goold   | Mr. Ross            |
| Mr. Boughton    | Mr. Hammond    | Mr. Salisbury       |
| Mr. Bowen       | Mr. Hannum     | Mr. Searing         |
| Mr. J. Brooks   | Mr. Harden     | Mr. Sherman         |
| Mr. A. H. Buell | Mr. Harris     | Mr. Skelton         |
| Mr. Bunker      | Mr. Heermans   | Mr. Spring          |
| Mr. Bush        | Mr. Horton     | Mr. J. Stevenson    |
| Mr. Casner      | Mr. Hunt       | Mr. R. L. Stevenson |
| Mr. Chase       | Mr. Jarvis     | Mr. Tefft           |
| Mr. Coe         | Mr. Kinne      | Mr. Titus           |
| Mr. Collins     | Mr. Litchfield | Mr. Van Schoonhoven |

|                  |               |              |
|------------------|---------------|--------------|
| Mr. Crain        | Mr. Long      | Mr. Wells    |
| Mr. C. F. Crosby | Mr. M'Carthy  | Mr. Wheeler  |
| Mr. Culver       | Mr. M'Donald  | Mr. White    |
| Mr. De Puy       | Mr. M'Vean    | Mr. Wyckoff  |
| Mr. Dewey        | Mr. Mann      | Mr. Wynant   |
| Mr. Edwards      | Mr. Mersereau | Mr. J. Young |

66

Mr. Niven moved to amend the said bill as follows, to wit :

At the end of the seventh section, add "No person shall be eligible to a seat in said convention, who is an officer or director in any monied corporation holding a charter from the legislature of this State."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Niven, and it was determined in the negative.

{ AYES 22 }  
{ NAYS 89 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|               |            |                 |
|---------------|------------|-----------------|
| Mr. Bevins    | Mr. Fonda  | Mr. A. C. Smith |
| Mr. Billings  | Mr. Hall   | Mr. W. Smith    |
| Mr. Boughton  | Mr. Howard | Mr. Speaker     |
| Mr. J. Brooks | Mr. Knapp  | Mr. Tuthill     |
| Mr. Burdick   | Mr. M'Key  | Mr. Walrath     |
| Mr. Cameron   | Mr. Niven  | Mr. Wheeler     |
| Mr. Carpenter | Mr. Sager  | Mr. Whitney     |
| Mr. Fellows   |            |                 |

22

Those who voted in the negative are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Bachman     | Mr. Garretson  | Mr. Oakley          |
| Mr. Bagg        | Mr. Giffard    | Mr. Pardee          |
| Mr. Bailey      | Mr. G. Goold   | Mr. Pierce          |
| Mr. Barber      | Mr. Gregory    | Mr. Porter          |
| Mr. Betts       | Mr. Hammond    | Mr. Preston         |
| Mr. Blake       | Mr. Hannum     | Mr. Raymond         |
| Mr. Bloss       | Mr. Harden     | Mr. Rice            |
| Mr. Bowen       | Mr. Harris     | Mr. Rogers          |
| Mr. M. Brooks   | Mr. Hazelton   | Mr. Ross            |
| Mr. L. H. Brown | Mr. Heermans   | Mr. Salisbury       |
| Mr. S. A. Brown | Mr. Horton     | Mr. Searing         |
| Mr. A. H. Buell | Mr. Hunt       | Mr. Sears           |
| Mr. Bunker      | Mr. Jarvis     | Mr. Sherman         |
| Mr. Bush        | Mr. Johnson    | Mr. Skelton         |
| Mr. Casner      | Mr. Kinne      | Mr. Spring          |
| Mr. Chase       | Mr. D. Lee     | Mr. R. L. Stevenson |
| Mr. Coe         | Mr. T. R. Lee  | Mr. Strobbridge     |
| Mr. Collins     | Mr. Litchfield | Mr. Sweeney         |



|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Comstock     | Mr. Long         | Mr. Tefft           |
| Mr. Constant     | Mr. M'Carthy     | Mr. Thayer          |
| Mr. Crain        | Mr. M'Donald     | Mr. Thompson        |
| Mr. C. F. Crosby | Mr. M'Vean       | Mr. Titus           |
| Mr. Culver       | Mr. Mann         | Mr. Van Schoonhoven |
| Mr. Danforth     | Mr. Mersereau    | Mr. Wells           |
| Mr. De Puy       | Mr. C. B. Miller | Mr. White           |
| Mr. Dewey        | Mr. S. Miller    | Mr. Wyckoff         |
| Mr. Edwards      | Mr. Morris       | Mr. Wynant          |
| Mr. Fenn         | Mr. Morrison     | Mr. A. W. Young     |
| Mr. Field        | Mr. Moulton      | Mr. J. Young        |
| Mr. Frisbee      | Mr. Newkirk      |                     |

89

Mr. Speaker then put the question whether the House would agree with the committee of the whole in their report on the said bill, as amended, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
*Albany, April 21, 1845. }*

TO THE ASSEMBLY.

I have this day approved and signed the bill entitled "An act to amend an act entitled 'An act to incorporate the village of Greene,' passed April 12th, 1842."

SILAS WRIGHT.

A resolution of the Senate was received and read, in the words following, to wit :

*Resolved*, That the Senate concur in the amendment made by the Assembly to the resolution of the Senate for the adjournment of this Legislature, the said amendment fixing upon the fourteenth day of May as the time for such adjournment.

On motion of Mr. Coe,

The House then proceeded to the consideration of the bill entitled "An act in relation to the construction of the New-York and Erie railroad."

Mr. Tefft moved that the said bill be laid on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Tefft, and it was determined in the negative.

The said bill was then read the third time.

Mr. Coe moved that the said bill be recommitted to the committee on railroads, with instructions to report complete forthwith, with the amendments offered by him in the words following, to wit :

After the word "directors," in the fourth line of the third section, insert "and a bond, with sufficient surety to be approved by the governor, in the penal sum of (\$50,000) fifty thousand dollars, conditioned for the faithful expenditure of the proceeds of said bonds."

Strike out all after the word "time," in the thirty-first line of the

fourth section, and insert "At the time of each and every assignment of bonds by the comptroller, provided for in this bill, the said company shall deposit with the comptroller a sum sufficient to meet the annual interest on each and every bond from the time of such assignment to the time fixed by this act for the completion of said road, which sum shall be invested by the comptroller in the stock of this State; and upon any instalment of interest falling due upon said bonds prior to the construction of the said single track of said road, the comptroller shall, upon the presentation of said bonds, provide for the payment of the interest out of the funds so invested; and if the said single track of said road shall at any time be constructed before the fund so deposited shall be expended, then upon the construction of said track, and the filing the evidence thereof herein provided for, the comptroller shall deliver to the said company any and all such fund so remaining in his hands."

Mr. Tefft moved to amend the said motion of Mr. Coe, so as to recommit the said bill to a committee of the whole house.

Debates were had thereon; when

Mr. Oakley called for the previous question.

Mr. C. F. Crosby objected to the previous question being called, as not sanctioned by the rules.

The Chair decided the call for the previous question to be in order.

Mr. C. F. Crosby appealed from the decision of the Chair.

Mr. Chase moved the previous question on the said appeal.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Whereupon,

Mr. Speaker put the the question, "Shall the decision of the Chair stand as the judgment of the House?" and it was determined in the affirmative.

The question then recurred on the call made by Mr. Oakley for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Whereupon,

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Tefft, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the said motion of Mr. Coe, and it was determined in the affirmative.

The engrossed bill entitled "An act to amend an act entitled 'An act incorporating the Long Island Railroad Company,' passed April 24th, 1834," was read the third time.

Mr. Morrison moved that the question on the final passage of said bill be laid on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Morrison, and it was determined in the affirmative.

Mr. Van Valkenburgh, from the committee on railroads, to which was

recommitted the bill entitled "An act in relation to the construction of the New-York and Erie railroad," with instructions to report the same with certain specified amendments, reported the said bill in conformity with the said instructions.

*Ordered*, That the said bill be engrossed for a third reading.

The engrossed bill entitled "An act to amend an act entitled 'An act to incorporate the Long Island Railroad Company,'" was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 106 }  
{ NAYS 02 }

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Giffard      | Mr. Preston         |
| Mr. Bagg         | Mr. G. Goold     | Mr. Raymond         |
| Mr. Barber       | Mr. Gregory      | Mr. Rice            |
| Mr. Betts        | Mr. Hammond      | Mr. Rogers          |
| Mr. Bevens       | Mr. Hannum       | Mr. Ross            |
| Mr. Billings     | Mr. Harris       | Mr. Russell         |
| Mr. Blake        | Mr. Hazelton     | Mr. Sager           |
| Mr. Bloss        | Mr. Heermans     | Mr. Salisbury       |
| Mr. Boughton     | Mr. Hine         | Mr. Searing         |
| Mr. Bowen        | Mr. Horton       | Mr. Sears           |
| Mr. J. Brooks    | Mr. Howard       | Mr. Sherman         |
| Mr. M. Brooks    | Mr. Hunt         | Mr. Skelton         |
| Mr. L. H. Brown  | Mr. Jarvis       | Mr. A. C. Smith     |
| Mr. S. A. Brown  | Mr. Johnson      | Mr. W. Smith        |
| Mr. Bunker       | Mr. Jones        | Mr. Speaker         |
| Mr. Burdick      | Mr. Knapp        | Mr. Spring          |
| Mr. Bush         | Mr. D. Lee       | Mr. Strobridge      |
| Mr. Cameron      | Mr. T. R. Lee    | Mr. Sweeney         |
| Mr. Casner       | Mr. Long         | Mr. Tefft           |
| Mr. Chase        | Mr. M'Carthy     | Mr. Thayer          |
| Mr. Coe          | Mr. M'Donald     | Mr. Thompsons       |
| Mr. Collins      | Mr. M'Key        | Mr. Titus           |
| Mr. Comstock     | Mr. M'Vean       | Mr. Tuthill         |
| Mr. Constant     | Mr. Mann         | Mr. Van Schoonhoven |
| Mr. C. F. Crosby | Mr. Mersereau    | Mr. Van Valkenburgh |
| Mr. Culver       | Mr. C. B. Miller | Mr. Walrath         |
| Mr. Danforth     | Mr. S. Miller    | Mr. Wells           |
| Mr. De Puy       | Mr. Morris       | Mr. Wheeler         |
| Mr. Dickson      | Mr. Morrison     | Mr. White           |
| Mr. Edwards      | Mr. Moulton      | Mr. Whitney         |
| Mr. Fellows      | Mr. Niven        | Mr. Worden          |
| Mr. Fenn         | Mr. Oakley       | Mr. Wyckoff         |

|               |            |                 |     |
|---------------|------------|-----------------|-----|
| Mr. Field     | Mr. Pardee | Mr. Wynant      | 106 |
| Mr. Fonda     | Mr. Pierce | Mr. A. W. Young |     |
| Mr. Frisbee   | Mr. Porter | Mr. J. Young    |     |
| Mr. Garretson |            |                 |     |

Those who voted in the negative are

|            |          |   |
|------------|----------|---|
| Mr. Bailey | Mr. Hall | 2 |
|------------|----------|---|

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. Coe moved that the bill entitled "An act in relation to the construction of the New-York and Erie railroad," with the amendments thereto, be read the third time.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Coe, and it was determined in the affirmative.

The said bill and amendments were then read the third time.

Mr. Chase called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

{ AYES 92 }  
{ NAYS 20 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Barber      | Mr. Garretson  | Mr. Oakley          |
| Mr. Betts       | Mr. Giffard    | Mr. Pardee          |
| Mr. Bevins      | Mr. G. Goold   | Mr. Pierce          |
| Mr. Billings    | Mr. Hall       | Mr. Porter          |
| Mr. Blake       | Mr. Hammond    | Mr. Rice            |
| Mr. Bloss       | Mr. Hannum     | Mr. Rogers          |
| Mr. Boughton    | Mr. Harden     | Mr. Ross            |
| Mr. Bowen       | Mr. Harris     | Mr. Sager           |
| Mr. J. Brooks   | Mr. Hazelton   | Mr. Searing         |
| Mr. M. Brooks   | Mr. Heermans   | Mr. Sears           |
| Mr. S. A. Brown | Mr. H. ne      | Mr. Sherman         |
| Mr. Bunker      | Mr. Horton     | Mr. Skelton         |
| Mr. Burdick     | Mr. Hunt       | Mr. A. C. Smith     |
| Mr. Bush        | Mr. Jarvis     | Mr. W. Smith        |
| Mr. Cameron     | Mr. Johnson    | Mr. Speaker         |
| Mr. Carpenter   | Mr. Jones      | Mr. R. L. Stevenson |
| Mr. Casner      | Mr. Knapp      | Mr. Strobbridge     |
| Mr. Chase       | Mr. D. Lee     | Mr. Sweeney         |
| Mr. Coe         | Mr. Litchfield | Mr. Thayer          |
| Mr. Collins     | Mr. Long       | Mr. Thompson        |



|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Comstock     | Mr. M'Carthy     | Mr. Titus           |
| Mr. C. F. Crosby | Mr. M'Donald     | Mr. Tuthill         |
| Mr. Culver       | Mr. M'Vean       | Mr. Van Schoonhoven |
| Mr. De Puy       | Mr. Mann         | Mr. Wells           |
| Mr. Dewey        | Mr. Mersereau    | Mr. Wheeler         |
| Mr. Edwards      | Mr. C. B. Miller | Mr. White           |
| Mr. Fellows      | Mr. S. Miller    | Mr. Worden          |
| Mr. Fenn         | Mr. Morris       | Mr. Wyckoff         |
| Mr. Field        | Mr. Morrison     | Mr. A. W. Young     |
| Mr. Fonda        | Mr. Moulton      | Mr. J. Young        |
| Mr. Frisbee      | Mr. Niven        |                     |

92

Those who voted in the negative are

|                 |               |                     |
|-----------------|---------------|---------------------|
| Mr. Bagg        | Mr. Howard    | Mr. Salisbury       |
| Mr. Bailey      | Mr. Kinne     | Mr. Spring          |
| Mr. L. H. Brown | Mr. T. R. Lee | Mr. Tefft           |
| Mr. Constant    | Mr. M'Key     | Mr. Van Valkenburgh |
| Mr. Danforth    | Mr. Preston   | Mr. Whitney         |
| Mr. Dickson     | Mr. Raymond   | Mr. Wynant          |
| Mr. Gregory     | Mr. Russell   |                     |

20

Whereupon,

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 98 }  
{ NAYS 15 }

Those who voted in the affirmative are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Bachman     | Mr. Giffard    | Mr. Porter          |
| Mr. Barber      | Mr. G. Goold   | Mr. Raymond         |
| Mr. Betts       | Mr. Hall       | Mr. Rice            |
| Mr. Bevens      | Mr. Hammond    | Mr. Rogers          |
| Mr. Billings    | Mr. Hannum     | Mr. Ross            |
| Mr. Blake       | Mr. Harden     | Mr. Sager           |
| Mr. Bloss       | Mr. Harris     | Mr. Searing         |
| Mr. Boughton    | Mr. Heermans   | Mr. Sears           |
| Mr. Bowen       | Mr. Hine       | Mr. Sherman         |
| Mr. J. Brooks   | Mr. Horton     | Mr. Skelton         |
| Mr. M. Brooks   | Mr. Howard     | Mr. A. C. Smith     |
| Mr. S. A. Brown | Mr. Hunt       | Mr. W. Smith        |
| Mr. Bunker      | Mr. Jarvis     | Mr. Speaker         |
| Mr. Burdick     | Mr. Johnson    | Mr. Spring          |
| Mr. Bush        | Mr. Knapp      | Mr. R. L. Stevenson |
| Mr. Cameron     | Mr. D. Lee     | Mr. Strobbridge     |
| Mr. Carpenter   | Mr. Litchfield | Mr. Sweeney         |

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Casner       | Mr. Long         | Mr. Thayer          |
| Mr. Chase        | Mr. M'Carthy     | Mr. Thompson        |
| Mr. Coe          | Mr. M'Donald     | Mr. Titus           |
| Mr. Collins      | Mr. M'Key        | Mr. Tuthill         |
| Mr. Comstock     | Mr. M'Vean       | Mr. Van Schoonhoven |
| Mr. Constant     | Mr. Mann         | Mr. Van Valkenburgh |
| Mr. C. F. Crosby | Mr. Mersereau    | Mr. Walrath         |
| Mr. Culver       | Mr. C. B. Miller | Mr. Wells           |
| Mr. De Puy       | Mr. S. Miller    | Mr. Wheeler         |
| Mr. Edwards      | Mr. Morris       | Mr. White           |
| Mr. Fellows      | Mr. Morrison     | Mr. Worden          |
| Mr. Fenn         | Mr. Moulton      | Mr. Wyckoff         |
| Mr. Field        | Mr. Niven        | Mr. Wynant          |
| Mr. Fonda        | Mr. Oakley       | Mr. A. W. Young     |
| Mr. Frisbee      | Mr. Pardee       | Mr. J. Young        |
| Mr. Garretson    | Mr. Pierce       |                     |

98

Those who voted in the negative are

|                 |              |               |
|-----------------|--------------|---------------|
| Mr. Bagg        | Mr. Gregory  | Mr. Preston   |
| Mr. Bailey      | Mr. Hazelton | Mr. Russell   |
| Mr. L. H. Brown | Mr. Jones    | Mr. Salisbury |
| Mr. Danforth    | Mr. Kinne    | Mr. Tefft     |
| Mr. Dickson     | Mr T. R. Lee | Mr. Whitney   |

15

*Ordered*, That the said bill be referred to the committee on engrossed bills.

The hour of half past one o'clock having arrived,

The House took a recess until half past three o'clock this afternoon.

### HALF PAST THREE O'CLOCK, P. M.

The House again met.

The House again proceeded to the consideration of the bill entitled "An act recommending a Convention of the People of this State;" the question being on the third reading of the same.

Debates were had, and continued until the hour of six o'clock, when the said bill was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.

{ AYES 83 }  
{ NAYS 33 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Bachman      | Mr. Field      | Mr. Moulton         |
| Mr. Bagg         | Mr. Frisbee    | Mr. Oakley          |
| Mr. Bailey       | Mr. Giffard    | Mr. Porter          |
| Mr. Barber       | Mr. G. Goold   | Mr. Preston         |
| Mr. Betts        | Mr. Hammond    | Mr. Raymond         |
| Mr. Blake        | Mr. Hannum     | Mr. Rice            |
| Mr. Bloss        | Mr. Harden     | Mr. Rogers          |
| Mr. Boughton     | Mr. Harris     | Mr. Ross            |
| Mr. Bowen        | Mr. Hazelton   | Mr. Russell         |
| Mr. J. Brooks    | Mr. Heermans   | Mr. Salisbury       |
| Mr. L. H. Brown  | Mr. Horton     | Mr. Searing         |
| Mr. S. A. Brown  | Mr. Hunt       | Mr. Sherman         |
| Mr. A. H. Buell  | Mr. Huntington | Mr. Skelton         |
| Mr. Bunker       | Mr. Jarvis     | Mr. Spring          |
| Mr. Bush         | Mr. Johnson    | Mr. R. L. Stevenson |
| Mr. Carpenter    | Mr. Kinne      | Mr. Sweeney         |
| Mr. Casner       | Mr. Knapp      | Mr. Tefft           |
| Mr. Chase        | Mr. D. Lee     | Mr. Thompson        |
| Mr. Coe          | Mr. Litchfield | Mr. Titus           |
| Mr. Constant     | Mr. Long       | Mr. Tuthill         |
| Mr. Crain        | Mr. M'Carthy   | Mr. Van Schoonhoven |
| Mr. C. F. Crosby | Mr. M'Donald   | Mr. Wells           |
| Mr. Culver       | Mr. M'Key      | Mr. Wheeler         |
| Mr. Danforth     | Mr. M'Vean     | Mr. Wyckoff         |
| Mr. De Puy       | Mr. Mann       | Mr. Wynant          |
| Mr. Dewey        | Mr. Mersereau  | Mr. A. W. Young     |
| Mr. Edwards      | Mr. Morris     | Mr. J. Young        |
| Mr. Fenn         | Mr. Morrison   |                     |

83

Those who voted in the negative are

|               |                  |                     |
|---------------|------------------|---------------------|
| Mr. Bevens    | Mr. Hall         | Mr. Sager           |
| Mr. Billings  | Mr. Hine         | Mr. Sears           |
| Mr. M. Brooks | Mr. Howard       | Mr. A. C. Smith     |
| Mr. Burdick   | Mr. Jones        | Mr. W. Smith        |
| Mr. Cameron   | Mr. T. R. Lee    | Mr. Speaker         |
| Mr. Collins   | Mr. C. B. Miller | Mr. Strobbridge     |
| Mr. Comstock  | Mr. S. Miller    | Mr. Thayer          |
| Mr. Dickson   | Mr. Newkirk      | Mr. Van Valkenburgh |
| Mr. Fellows   | Mr. Niven        | Mr. Walrath         |
| Mr. Fonda     | Mr. Pardee       | Mr. White           |
| Mr. Gregory   | Mr. Pierce       | Mr. Whitney         |

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*Ordered*, That Mr. Hine have leave of absence for five days, Mr. Hunt for ten days, Mr. Constant for seven days, Mr. Harden for four days, Mr. Mersereau for seven days, and Mr. Blake for seven days.

On motion of Mr. T. R. Lee,

The House then adjourned to ten o'clock to-morrow morning.

## WEDNESDAY, APRIL 23, 1845.

The House met pursuant to adjournment.

The minutes of yesterday were read and approved.

The memorial of William G. Sickler, praying for the passage of a law to enable him to be divorced from his wife Phœbe, was read, and referred to the committee on the judiciary.

The petition of the members of the bar of the county of Allegany, praying for the passage of a law directing certain special terms of the Supreme Court to be held in the village of Geneva, was read, and referred to the committee on the judiciary.

Three several remonstrances of sundry inhabitants of the county of Oneida, against the passage of any act authorising the city of Utica to elect four supervisors, were read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Chenango, praying for the passage of a law authorising the erection of a bridge across the Hudson river at the city of Albany, was read, and referred to the committee of the whole when on the bill upon that subject.

The petition of the forwarders and others of the city of Buffalo, praying for the passage of a law authorising the erection of a bridge across the Hudson river at the city of Albany, was read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of sundry inhabitants of the county of Chenango, against any division of the said county, was read, and referred to the committee of the whole when on the bill upon that subject.

The remonstrance of sundry inhabitants of the county of Erie, against the erection of a bridge across the Hudson river at the city of Albany, was read, and referred to the committee of the whole when on the bill upon that subject.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to extend for a limited period the charter of the Bank of Rochester," and the bill entitled "An act relative to the State Prison at Mountpleasant," and found the same severally correctly engrossed.

*Ordered*, That the said bills do have their third reading.

Mr. J. Brooks, from the committee on the erection and division of towns and counties, to which was referred the bill entitled "An act to divide the town of Chenango," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. D. Lee moved that the question on agreeing with the committee in their said report be laid on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. D. Lee, and it was determined in the affirmative.

Mr. Whitney, from the committee on medical societies and colleges, to which were referred the several petitions for the incorporation of a Homœopathic Medical College at Auburn, reported unfavorably to the



prayer of the petitioners, and offered the following resolution, to wit :  
*Resolved*, That the committee on medical societies and colleges be discharged from the further consideration of the petitions for the incorporation of a homœopathic medical college at the village of Auburn in the county of Cayuga.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Oakley, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act in relation to the New-York and Erie railroad," and found the same correctly engrossed.

Mr. T. R. Lee moved that the said bill be re-engrossed, on account of the erasures which had been made in inserting amendments.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. T. R. Lee, and it was determined in the negative.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. Titus, from the committee on trade and manufactures, to which was referred the petition of Junius Smith, for the passage of an act to revive the charter of the Atlantic Steam Navigation Company, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Titus accordingly brought in the said bill, entitled "An act to renew and extend an act passed twenty-third day of February, 1839, incorporating the American Atlantic Steam Navigation Company ;" which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. Titus,

*Ordered*, That the said bill be engrossed for a third reading.

Mr. A. H. Buell, from the committee on banks and insurance companies, to which was referred the bill entitled "An act in relation to stocks in monied corporations, held by the State, or by literary or charitable institutions," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

By unanimous consent,

Mr. Thompson, from the select committee to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the Leake and Watts Orphan House in the city of New York,' passed March 7th, 1831," with instructions to report the same complete, reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same ; which he was directed to report to the house.

Mr. Wheeler moved to amend the first section of the said bill, as reported by the majority of the said select committee, by striking out "twelve" after "age of," and inserting "fourteen."

Debates were had thereon ; when

Mr. Bevens called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Whereupon,

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Wheeler, and it was determined in the affirmative.

{ AYES 61 }  
{ NAYS 29 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Bachman      | Mr. Hazelton   | Mr. Sager           |
| Mr. Bagg         | Mr. Howard     | Mr. Searing         |
| Mr. Bailey       | Mr. Huntington | Mr. Sherman         |
| Mr. Barber       | Mr. Jarvis     | Mr. W. Smith        |
| Mr. Bevens       | Mr. Johnson    | Mr. Spring          |
| Mr. Bloss        | Mr. Joxes      | Mr. J. Stevenson    |
| Mr. Boughton     | Mr. Kinne      | Mr. R. L. Stevenson |
| Mr. Bowen        | Mr. Knapp      | Mr. Strobbridge     |
| Mr. Bunker       | Mr. D. Lee     | Mr. Sweeney         |
| Mr. Burdick      | Mr. M'Carthy   | Mr. Tefft           |
| Mr. Chase        | Mr. M'Donald   | Mr. Thayer          |
| Mr. Coe          | Mr. M'Vean     | Mr. Tuthill         |
| Mr. Constant     | Mr. Morris     | Mr. Van Schoonhoven |
| Mr. C. F. Crosby | Mr. Niven      | Mr. Wells           |
| Mr. Culver       | Mr. Oakley     | Mr. Wheeler         |
| Mr. De Puy       | Mr. Pardee     | Mr. Whitney         |
| Mr. Dewey        | Mr. Pierce     | Mr. Wyckoff         |
| Mr. Fellows      | Mr. Rice       | Mr. Wynant          |
| Mr. D. Gould     | Mr. Rogers     | Mr. A. W. Young     |
| Mr. Gregory      | Mr. Ross       | Mr. J. Young        |
| Mr. Hannum       |                |                     |

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Those who voted in the negative are

|                 |                |               |
|-----------------|----------------|---------------|
| Mr. Betts       | Mr. Field      | Mr. M'Key     |
| Mr. J. Brooks   | Mr. Fonda      | Mr. Mann      |
| Mr. M. Brooks   | Mr. Frisbee    | Mr. Morrison  |
| Mr. L. H. Brown | Mr. Gifford    | Mr. Moulton   |
| Mr. S. A. Brown | Mr. G. Gould   | Mr. Preston   |
| Mr. Casner      | Mr. Harris     | Mr. Raymond   |
| Mr. Collins     | Mr. Heermans   | Mr. Salisbury |
| Mr. Comstock    | Mr. Horton     | Mr. Thompson  |
| Mr. Danforth    | Mr. T. R. Lee  | Mr. White     |
| Mr. Edwards     | Mr. Litchfield |               |

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Mr. Speaker then put the question whether the House would agree with the committee of the whole in their report on the said bill, as amended, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

By unanimous consent,

Mr. Wheeler, from the minority of the select committee to which was referred the bill entitled "An act to amend an act entitled 'An act to incorporate the Leake and Watts Orphan House in the city of New-York,' passed March 7th, 1831," asked for and obtained leave to submit a report in writing, which was read, and ordered to be laid on the table.

[See Document No. 233.]

Mr. Bevens, from the committee on canals, to which was referred the petition of sundry inhabitants of the city of Buffalo, praying for the construction of the Main and Hamburg-street basin in said city, in compliance with the provisions of the act passed May 14th, 1840, reported in writing, and concluded by offering the following resolution :

*Resolved*, (if the Senate concur,) That the Canal Commissioners are hereby authorised to complete the Main and Hamburg-street basin in the city of Buffalo, in compliance with the provisions of the act entitled "An act in relation to the Main and Hamburg-street canal in the city of Buffalo," passed May 14th, 1840, or to do so much of said work as may be necessary to prevent the collection of stagnant water in said basin, at as early a period as is consistent with a due regard to the public interest, and the preservation of the health of the inhabitants in its vicinity.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

*Ordered*, That the Clerk return the said resolution to the Senate, and request their concurrence in the same.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to incorporate the Buffalo and Lancaster Plank Road Company," and found the same correctly engrossed.

*Ordered*, That the said bill do have its third reading.

Mr. Bailey, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act recommending a Convention of the People of this State," and found the same correctly engrossed.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. Raymond, from the minority of the committee on the erection and division of towns and counties, to which was referred the bill from the Senate, entitled "An act to erect the town of Gilboa," asked for and obtained leave to report in writing, and concluded by offering the following resolution, to wit :

*Resolved*, That the bill ought not to become a law.

[See Document No. 234.]

*Ordered*, That the said resolution be laid on the table.

On motion of Mr. Bailey,

The House then proceeded to the consideration of the report of the select committee on the bill entitled "An act recommending a Convention of the People of this State."

The question recurred on agreeing to the motion, which was laid on the table on a previous day, to print fifteen times the usual number of copies of the said report.

Debates were had thereon ; when

Mr. Bevens called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the negative.

Debates were again had ; when

Mr. Constant called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the negative.

Debates were again had ; when

Mr. Fonda called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Whereupon,

Mr. Speaker put the question whether the House would agree to the said motion to print fifteen times the usual number of copies of the said report, and it was determined in the affirmative.

Mr. J. Young moved to reconsider the said vote.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. J. Young, and it was determined in the negative.

The hour of half past one o'clock having arrived,

The House took a recess until half past three o'clock this afternoon.

---

### HALF PAST THREE O'CLOCK, P. M.

The House again met.

By unanimous consent,

Mr. S. A. Brown offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill entitled "An act to confirm the official acts of Philip Lazell, a justice of the peace in the county of Chautauque," reported by the committee on the judiciary ; and the bill entitled "An act declaring a part of the Big Brokenstraw creek in the county of Chautauque, a public highway," reported by the committee on roads and bridges, to neither of which bills there are any objections or remonstrances, be taken from the committee of the whole, and referred to a select committee, consisting of the members attending this house from the county of Chautauque, to report complete.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.



The Chair announced the appointment of a select committee on the bill entitled "An act to provide for the construction of a railroad from the village of Canandaigua in the county of Ontario, to the village of Corning in the county of Steuben," to consist of the members attending this house from the counties of Steuben, Ontario and Yates ; and of a select committee on the bill entitled "An act to provide for the construction of a railroad from Attica to Hornellsville," to consist of the members attending this house from the counties of Erie, Wyoming, Livingston and Steuben.

By unanimous consent,

Mr. Jones offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill entitled "An act to amend the charter of the New-York Fire Insurance Company," be taken from the general orders, and referred to the committee on banks and insurance companies, to report complete.

Mr. Wheeler moved to amend the said resolution, so as to include all the bills relative to mutual insurance companies.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Wheeler, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to the said resolution, as amended, and it was determined in the affirmative.

By unanimous consent, on motion of Mr. M'Carthy,

*Resolved*, That the bill entitled "An act for opening the channel of Mud creek in the county of Onondaga," be referred to the committee on the internal affairs of towns and counties, to report complete.

By unanimous consent,

Mr. Van Valkenburgh offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill entitled "An act to provide for the construction of a railroad from the village of Canandaigua in the county of Ontario, to the village of Corning in the county of Steuben," be taken from the committee of the whole, and referred to a select committee, consisting of the members attending this house from the counties of Ontario, Yates and Steuben, to report complete.

Mr. Morris moved to amend the said resolution, by adding "and that the bill entitled 'An act to vest certain powers in the board of supervisors of Sullivan county,' be taken from the general orders, and referred to the committee on the judiciary, to report complete."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Morris, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to the said resolution, as amended, and it was determined in the affirmative.

By unanimous consent,

Mr. Tefft offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That Tuesday and Wednesday of next week be exclusively devoted to the consideration of private claims.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

By unanimous consent, on motion of Mr. L. H. Brown,

*Resolved*, That the bill from the Senate, entitled "An act authorising Thornby Everett Shooler to change his name to Thornby Shooler Everett," be taken from the general orders, and ordered to a third reading.

By unanimous consent,

Mr. Coe offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That resolutions regulating the hours of meeting and adjourning shall be in order every day, and may be considered at the time of offering the same.

*Ordered*, That the said resolution be laid on the table.

By unanimous consent, on motion of Mr. Morrison,

*Resolved*, That the bill from the Senate, entitled "An act to renew an act entitled 'An act to incorporate the Society in the city of New-York for the relief of poor widows with small children,' passed April 5th, 1810," be taken from the general orders, and ordered to have its third reading.

By unanimous consent, on motion of Mr. Titus,

*Resolved*, That the bill entitled "An act to incorporate the Urbana Woolen Manufacturing Company," be taken from the general orders, and recommitted to the committee on trade and manufactures, to report complete.

By unanimous consent, on motion of Mr. Wynant,

*Resolved*, That the bill entitled "An act in relation to the interment of the dead in the village of Williamsburgh," be taken from the committee of the whole, and ordered to be engrossed for a third reading.

Mr. Oakley, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to amend an act to incorporate the Greenhill Wharf Company," passed April 20, 1830," and found the same correctly engrossed.

*Ordered*, That the said bill do have its third reading.

Mr. Harris moved to pass over the order of business of the "Third reading of bills," and intervening orders to unfinished business.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Harris, and it was determined in the negative.

On motion of Mr. Jones,

The House then proceeded to the consideration of the bill entitled "An act to amend an act entitled 'An act incorporating the Long Island Railroad Company,' passed April 24th, 1834."

The said bill was read the third time.

Debates were had thereon ; when

Mr. Fonda called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and announced that it was lost.

Mr. C. F. Crosby called for a count.

Mr. Speaker decided that the call for a count was not in order.

Mr. C. F. Crosby appealed from the decision of the Chair.

Mr. Speaker put the the question, "Shall the decision of the Chair stand as the judgment of the House?" and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Whereupon,

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and the vote was announced as follows :

{ AYES 59 }  
{ NAYS 33 }

Those who voted in the affirmative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. Field        | Mr. Niven           |
| Mr. Bagg        | Mr. Fonda        | Mr. Pierce          |
| Mr. Bailey      | Mr. Harris       | Mr. Porter          |
| Mr. Barber      | Mr. Hazelton     | Mr. Preston         |
| Mr. Bevens      | Mr. Heermans     | Mr. Raymond         |
| Mr. Bloss       | Mr. Hervey       | Mr. Rogers          |
| Mr. Boughton    | Mr. Hine         | Mr. Ross            |
| Mr. Bowen       | Mr. Johnson      | Mr. Sager           |
| Mr. J. Brooks   | Mr. Jones        | Mr. Sears           |
| Mr. L. H. Brown | Mr. Kinne        | Mr. A. C. Smith     |
| Mr. A. H. Buell | Mr. Knapp        | Mr. W. Smith        |
| Mr. Bunker      | Mr. T. R. Lee    | Mr. Speaker         |
| Mr. Burdick     | Mr. M'Carthy     | Mr. R. L. Stevenson |
| Mr. Carpenter   | Mr. M'Donald     | Mr. Strobbridge     |
| Mr. Chase       | Mr. M'Key        | Mr. Tefft           |
| Mr. Coe         | Mr. C. B. Miller | Mr. Tutbill         |
| Mr. Crain       | Mr. S. Miller    | Mr. Walrath         |
| Mr. Culver      | Mr. Morris       | Mr. Whitney         |
| Mr. Danforth    | Mr. Morrison     | Mr. Wyanant         |
| Mr. Fellows     | Mr. Moulton      |                     |

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Those who voted in the negative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. S. A. Brown  | Mr. Hannum     | Mr. Searing         |
| Mr. Casner       | Mr. Horton     | Mr. Skelton         |
| Mr. Collins      | Mr. Jarvis     | Mr. Spring          |
| Mr. C. F. Crosby | Mr. D. Lee     | Mr. J. Stevenson    |
| Mr. De Puy       | Mr. Litchfield | Mr. Titus           |
| Mr. Dewey        | Mr. M'Vean     | Mr. Van Valkenburgh |
| Mr. Edwards      | Mr. Mann       | Mr. Wells           |
| Mr. Frisbee      | Mr. Oakley     | Mr. Wheeler         |
| Mr. Giffard      | Mr. Pardee     | Mr. White           |
| Mr. D. Gould     | Mr. Rice       | Mr. Wilcox          |
| Mr. G. Goold     | Mr. Salisbury  | Mr. A. W. Young     |

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*Ordered*, That the said bill be referred to the committee on two-third bills.

Mr. T. R. Lee moved that the House adjourn.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. T. R. Lee, and it was determined in the affirmative.

{ AYES 47 }  
{ NAYS 42 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |               |                  |
|-----------------|---------------|------------------|
| Mr. Bachman     | Mr. D. Gould  | Mr. Pierce       |
| Mr. Barber      | Mr. G. Goold  | Mr. Preston      |
| Mr. Bevens      | Mr. Gregory   | Mr. Rice         |
| Mr. Bowen       | Mr. Hannum    | Mr. Rogers       |
| Mr. L. H. Brown | Mr. Hazelton  | Mr. Ross         |
| Mr. Bunker      | Mr. Jarvis    | Mr. Sherman      |
| Mr. Burdick     | Mr. Johnson   | Mr. A. C. Smith  |
| Mr. Carpenter   | Mr. Jones     | Mr. W. Smith     |
| Mr. Casner      | Mr. Kinne     | Mr. J. Stevenson |
| Mr. Chase       | Mr. T. R. Lee | Mr. Sweeney      |
| Mr. Crain       | Mr. Long      | Mr. Thompson     |
| Mr. Danforth    | Mr. M'Key     | Mr. Wells        |
| Mr. Dewey       | Mr. S. Miller | Mr. White        |
| Mr. Edwards     | Mr. Morrison  | Mr. Wynant       |
| Mr. Fellows     | Mr. Niven     | Mr. A. W. Young  |
| Mr. Giffard     | Mr. Pardee    |                  |

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Those who voted in the negative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bagg         | Mr. Frisbee      | Mr. Raymond         |
| Mr. Bailey       | Mr. Heermans     | Mr. Sager           |
| Mr. Betts        | Mr. Hervey       | Mr. Salisbury       |
| Mr. Bloss        | Mr. Hine         | Mr. Sears           |
| Mr. Boughton     | Mr. Horton       | Mr. Skelton         |
| Mr. J. Brooks    | Mr. D. Lee       | Mr. Speaker         |
| Mr. M. Brooks    | Mr. Litchfield   | Mr. Spring          |
| Mr. S. A. Brown  | Mr. M'Donald     | Mr. R. L. Stevenson |
| Mr. A. H. Buell  | Mr. M'Vean       | Mr. Strobridge      |
| Mr. Coe          | Mr. C. B. Miller | Mr. Tefft           |
| Mr. C. F. Crosby | Mr. Morris       | Mr. Van Schoonhoven |
| Mr. Culver       | Mr. Moulton      | Mr. Wheeler         |
| Mr. De Puy       | Mr. Oakley       | Mr. Wilcox          |
| Mr. Fonda        | Mr. Porter       | Mr. Wyckoff         |

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The House then adjourned to ten o'clock to-morrow morning.



## THURSDAY, APRIL 24, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Sprague.

The minutes of yesterday were read and approved.

The memorial of the portwardens of the port of New-York, in relation to the Hurlgate pilots, was read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the county of Steuben, praying for the construction of a railroad from Canandaigua to Corning, was read, and referred to the committee of the whole when on the bill upon that subject.

Mr. Oakley, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to amend an act vesting certain powers in the freeholders and inhabitants of the village of Waterford, passed March 28th, 1805," and found the same correctly engrossed.

*Ordered*, That the said bill do have its third reading.

By unanimous consent,

Mr. T. R. Lee offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill entitled "An act authorising the New-York and Newhaven Railroad Company to extend their railroad into the State of New-York," and the bill entitled "An act to improve the post road running from the Elephant hotel in the town of Somers, to the village of Peekskill," be taken from the general orders, and referred to a select committee, consisting of the members attending this house from the county of Westchester, with instructions to report the same complete.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

A message from the Senate, with the bills therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act in relation to the Newburgh High School;" the bill entitled "An act relative to school district number two in the city of Rochester," and the bill entitled "An act relative to purchasers at receiver's sales," severally without amendment.

*Ordered*, That the Clerk deliver the said bills to the Governor.

A message from the Senate, with the bills therein mentioned, was received and read, requesting the concurrence of the Assembly to the bill entitled "An act to preserve certain waters from the effects of gas, tar, and refuse of gas-houses and factories;" to the bill entitled "An act to facilitate the construction of Morse's electro-magnetic telegraph;" to the bill entitled "An act in relation to the receiver of the Millers' Bank of New-York at Clyde;" to the bill entitled "An act further to amend the act to abolish imprisonment for debt, and to punish fraudulent debtors, passed April 26th, 1831;" and to the bill entitled "An act to confirm the official acts of Edward Hunting and John Tyler, overseers of the poor of the town of Dryden in the county of Tompkins."

The said bills were severally read the first time, and by unanimous consent were also read a second time, and the bill entitled "An act to preserve certain waters from the effects of gas, tar, and refuse of gas-houses and factories," was referred to the committee on the internal affairs of towns and counties; the bill entitled "An act to facilitate the construction of Morse's electro-magnetic telegraph," on motion of Mr. Morrison, was referred to a select committee; the bill entitled "An act in relation to the receiver of the Miller's Bank of New-York at Clyde," was referred to the committee on banks and insurance companies; the bill entitled "An act further to amend the act to abolish imprisonment for debt, and to punish fraudulent debtors, passed April 26th, 1831," was referred to the committee on the judiciary; and the bill entitled "An act to confirm the official acts of Edward Hunting and John Tyler, overseers of the poor of the town of Dryden in the county of Tompkins," on motion of Mr S. Miller, was ordered to a third reading.

A message from the Senate, with the bill therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act to erect the town of Ossinning in the county of Westchester," with the amendments therewith delivered.

The said amendments having been read,

Mr. Constant moved that the House do concur in the same.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Constant, and it was determined in the affirmative.

*Ordered,* That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred in the said amendments, and amended the bill accordingly.

A message from the Senate, with the bill therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act to erect the town of Union in the county of Steuben," with the amendments therewith delivered.

The said amendments having been read,

Mr. A. C. Smith moved that the House do concur in the same.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. A. C. Smith, and it was determined in the affirmative.

*Ordered,* That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred in the said amendments, and amended the bill accordingly.

A message from the Senate, with the bill therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act to amend an act entitled 'An act for the relief of Ira Pearsons and Ira Pearsons junior,' passed March 23d, 1844," with the amendments therewith delivered.

The said amendments having been read,

Mr. Tefft moved that the House do concur in the same.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Tefft, and it was determined in the affirmative.

*Ordered,* That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred in the said amendments, and amended the bill accordingly.

A message from the Senate, with the bill therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act to repeal the charter of the Owego Turnpike Road Company, passed March 30th, 1809," with the amendments therewith delivered.

The said amendments having been read,

Mr. Chase moved that the House do concur in the same.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Chase, and it was determined in the affirmative.

*Ordered,* That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred with them in the said amendments, and amended the bill accordingly.

A message from the Senate, with the bill therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act concerning the district attorney of Greene county," with the amendments therewith delivered.

The said amendments having been read,

Mr. Sager moved that the House do concur in the same.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Sager, and it was determined in the affirmative.

*Ordered,* That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred with them in the said amendments, and amended the bill accordingly.

A message from the Senate, with the bill therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act to change the location of Washington Park in the city of Brooklyn," with the amendments therewith delivered.

The said amendments having been read,

Mr. Wyckoff moved that the House do concur in the same.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Wyckoff, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 92 }  
{ NAYS 00 }

Those who voted in the affirmative are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Bachman     | Mr. Hammond    | Mr. Ross            |
| Mr. Bagg        | Mr. Hannum     | Mr. Sager           |
| Mr. Barber      | Mr. Heermans   | Mr. Salisbury       |
| Mr. Billings    | Mr. Horton     | Mr. Searing         |
| Mr. Bloss       | Mr. Howard     | Mr. Sears           |
| Mr. Bowen       | Mr. Jarvis     | Mr. Sherman         |
| Mr. J. Brooks   | Mr. Johnson    | Mr. Skelton         |
| Mr. M. Brooks   | Mr. Jones      | Mr. A. C. Smith     |
| Mr. L. H. Brown | Mr. Kinne      | Mr. W. Smith        |
| Mr. S. A. Brown | Mr. Knapp      | Mr. Speaker         |
| Mr. Bunker      | Mr. D. Lee     | Mr. Spring          |
| Mr. Burdick     | Mr. T. R. Lee  | Mr. R. L. Stevenson |
| Mr. Cameron     | Mr. Litchfield | Mr. Strobridge      |

|                  |               |                     |
|------------------|---------------|---------------------|
| Mr. Carpenter    | Mr. Long      | Mr. Tefft           |
| Mr. Casner       | Mr. M'Carthy  | Mr. Thayer          |
| Mr. Chase        | Mr. M'Donald  | Mr. Thompson        |
| Mr. Coe          | Mr. M'Key     | Mr. Tibbits         |
| Mr. Collins      | Mr. M'Vean    | Mr. Titus           |
| Mr. Comstock     | Mr. Mann      | Mr. Tuthill         |
| Mr. C. F. Crosby | Mr. Mersereau | Mr. Van Schoonhoven |
| Mr. Culver       | Mr. S. Miller | Mr. Van Valkenburgh |
| Mr. Danforth     | Mr. Morris    | Mr. Walrath         |
| Mr. Dewey        | Mr. Morrison  | Mr. Wells           |
| Mr. Fellows      | Mr. Moulton   | Mr. Wheeler         |
| Mr. Field        | Mr. Niven     | Mr. White           |
| Mr. Fonda        | Mr. Oakley    | Mr. Whitney         |
| Mr. Frisbee      | Mr. Pardee    | Mr. Wyckoff         |
| Mr. Giffard      | Mr. Porter    | Mr. Wynant          |
| Mr. D. Gould     | Mr. Preston   | Mr. A. W. Young     |
| Mr. G. Goold     | Mr. Rice      | Mr. J. Young        |
| Mr. Gregory      | Mr. Rogers    |                     |

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*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred with them in the said amendments, and amended the bill accordingly.

A message from the Senate, with the bill therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act relative to the city of Brooklyn," with the amendments therewith delivered.

The said amendments having been read,

Mr. Wyckoff moved that the House do concur in the same.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Wyckoff, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 93 }  
{ NAYS 00 }

Those who voted in the affirmative are

|                 |                |                  |
|-----------------|----------------|------------------|
| Mr. Bachman     | Mr. G. Goold   | Mr. Rogers       |
| Mr. Bagg        | Mr. Gregory    | Mr. Ross         |
| Mr. Barber      | Mr. Hammond    | Mr. Russell      |
| Mr. Betts       | Mr. Hannum     | Mr. Sager        |
| Mr. Billings    | Mr. Heermans   | Mr. Salisbury    |
| Mr. Bloss       | Mr. Horton     | Mr. Searing      |
| Mr. Boughton    | Mr. Howard     | Mr. Sears        |
| Mr. Bowen       | Mr. Johnson    | Mr. Sherman      |
| Mr. J. Brooks   | Mr. Jones      | Mr. Skelton      |
| Mr. M. Brooks   | Mr. Knapp      | Mr. A. C. Smith  |
| Mr. L. H. Brown | Mr. D. Lee     | Mr. Speaker      |
| Mr. S. A. Brown | Mr. T. R. Lee  | Mr. Spring       |
| Mr. Bunker      | Mr. Litchfield | Mr. J. Stevenson |



|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Burdick      | Mr. Long         | Mr. Strobridge      |
| Mr. Cameron      | Mr. M'Carthy     | Mr. Sweeney         |
| Mr. Carpenter    | Mr. M'Donald     | Mr. Tefft           |
| Mr. Casner       | Mr. M'Key        | Mr. Thayer          |
| Mr. Chase        | Mr. M'Vean       | Mr. Thompson        |
| Mr. Coe          | Mr. Mann         | Mr. Tibbits         |
| Mr. Collins      | Mr. Mersereau    | Mr. Titus           |
| Mr. Comstock     | Mr. C. B. Miller | Mr. Tuthill         |
| Mr. C. F. Crosby | Mr. S. Miller    | Mr. Van Schoonhoven |
| Mr. Culver       | Mr. Morris       | Mr. Van Valkenburgh |
| Mr. Danforth     | Mr. Morrison     | Mr. Walrath         |
| Mr. Dewey        | Mr. Niven        | Mr. Wells           |
| Mr. Fellows      | Mr. Oakley       | Mr. Wheeler         |
| Mr. Field        | Mr. Pardee       | Mr. White           |
| Mr. Fonda        | Mr. Porter       | Mr. Whitney         |
| Mr. Frisbee      | Mr. Preston      | Mr. Wyckoff         |
| Mr. Giffard      | Mr. Raymond      | Mr. Wynant          |
| Mr. D. Gould     | Mr. Rice         | Mr. A. W. Young 93  |

*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred with them in the said amendments, and amended the bill accordingly.

A message from the Senate, with the bill therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act to incorporate the Rosendale and New-Paltz Turnpike Company," with the amendments therewith delivered.

The said amendments having been read,

Mr. Pardee moved that the House do concur in the same.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Pardee, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 92 }  
{ NAYS 00 }

Those who voted in the affirmative are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Bachman     | Mr. Gregory    | Mr. Rogers          |
| Mr. Bagg        | Mr. Hammond    | Mr. Ross            |
| Mr. Barber      | Mr. Hannum     | Mr. Russell         |
| Mr. Betts       | Mr. Heermans   | Mr. Sager           |
| Mr. Billings    | Mr. Howard     | Mr. Salisbury       |
| Mr. Bloss       | Mr. Jarvis     | Mr. Sears           |
| Mr. Boughton    | Mr. Johnson    | Mr. Sherman         |
| Mr. Bowen       | Mr. Jones      | Mr. Skelton         |
| Mr. J. Brooks   | Mr. Knapp      | Mr. A. C. Smith     |
| Mr. M. Brooks   | Mr. D. Lee     | Mr. Spring          |
| Mr. L. H. Brown | Mr. T. R. Lee  | Mr. J. Stevenson    |
| Mr. S. A. Brown | Mr. Litchfield | Mr. R. L. Stevenson |
| Mr. Bunker      | Mr. Long       | Mr. Strobridge      |

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Burdick      | Mr. M'Carthy     | Mr. Sweeney         |
| Mr. Carpenter    | Mr. M'Donald     | Mr. Tefft           |
| Mr. Casner       | Mr. M'Key        | Mr. Thayer          |
| Mr. Chase        | Mr. M'Vean       | Mr. Thompson        |
| Mr. Coe          | Mr. Mann         | Mr. Tibbits         |
| Mr. Collins      | Mr. Mersereau    | Mr. Titus           |
| Mr. Comstock     | Mr. C. B. Miller | Mr. Tuthill         |
| Mr. C. F. Crosby | Mr. S. Miller    | Mr. Van Schoonhoven |
| Mr. Culver       | Mr. Morris       | Mr. Van Valkenburgh |
| Mr. Danforth     | Mr. Morrison     | Mr. Walrath         |
| Mr. Dewey        | Mr. Moulton      | Mr. Wells           |
| Mr. Fellows      | Mr. Niven        | Mr. Wheeler         |
| Mr. Field        | Mr. Oakley       | Mr. White           |
| Mr. Fonda        | Mr. Pardee       | Mr. Whitney         |
| Mr. Frisbee      | Mr. Porter       | Mr. Wyckoff         |
| Mr. Giffard      | Mr. Preston      | Mr. Wynant          |
| Mr. D. Gould     | Mr. Raymond      | Mr. A. W. Young     |
| Mr. G. Goold     | Mr. Rice         |                     |

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*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred with them in the said amendments, and amended the bill accordingly.

On motion of Mr. Jones,

The House proceeded to the consideration of the bill from the Senate, entitled "An act relative to the State Library," and the amendments of the Assembly thereto, which were non-concurred in by the Senate.

Mr. Jones moved that the House do recede from their said amendments.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Jones, and it was determined in the affirmative.

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have receded from their amendments to the said bill, non-concurred in by the Senate.

By unanimous consent,

Mr. Howard, from the committee on canals, to which was referred so much of the Governor's message as relates to the canals, reported in writing, which was read.

[See Document No. 235.]

On motion of Mr. M. Brooks,

*Ordered*, That ten times the usual number of copies of said report be printed for the use of the Legislature.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to amend an act entitled 'An act to consolidate and amend the act to incorporate the city of Rochester.' passed April 11th, 1844;" the bill entitled "An act to compensate district school librarians;" and the bill entitled "An act to divide the town of Sparta, and to erect the towns of Dansville, East-Sparta and West-Sparta in the county of Livingston," and found the same severally correctly engrossed.

*Ordered*, That the said bills do have their third reading.

The Chair announced the appointment of a select committee on the bill from the Senate, entitled "An act to facilitate the construction of Morse's electro magnetic telegraph," to consist of Mr. Morrison, Mr. L. H. Brown, Mr. Carpenter, Mr. A. W. Young and Mr. Wynant.

By unanimous consent,

Mr. Oakley offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill entitled "An act relative to the militia and public defence," and the bill entitled "An act to improve the militia of this State," now on the general orders, and such bill as the select committee to whom the subject is referred may report, be made the special order of the day for Monday next at twelve o'clock.

*Ordered*, That the said resolution be laid on the table.

By unanimous consent,

Mr. D. Lee offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, (if the Senate concur,) That the canal commissioner having charge of the western division of the Erie canal, may, if he deems it for the interest of the State to excavate the remaining rock on section number three of the Erie canal enlargement in the town of Blackrock ; that he permit Jonas Ingraham, who now holds a contract covering the same, to excavate said rock agreeable to the stipulations contained in said contract.

*Ordered*, That the said resolution be referred to the committee on canals.

By unanimous consent,

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the bill from the Senate, entitled "An act to reduce the number of town officers, and town and county expenses, and to prevent abuses in auditing town and county expenses," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

On motion of Mr. Russell,

*Ordered*, That the said bill be committed to a committee of the whole house, and made the special order for to-morrow at half past three o'clock in the afternoon.

The House then resolved itself into a committee of the whole, on the bill entitled "An act to provide for the opening and improving the road through the Onondaga Indian reservation ;" on the bill entitled "An act to authorise the election of one supervisor for each of the wards of the city of Utica ;" on the bill entitled "An act to change the name of Samuel G. Chafee ;" on the bill entitled "An act for the relief of Calvin T. Chamberlain ;" on the bill entitled "An act in relation to the canals ;" and on the bill entitled "An act for the relief of Ray Clarke, Ethan R. Clarke and Samuel W. Clarke ;" and after some time spent thereon, Mr. Speaker resumed the chair, and announced that the hour of half past one o'clock had arrived.

Whereupon,

The House took a recess until half past three o'clock this afternoon.

## HALF PAST THREE O'CLOCK, P. M.

The House again met.

A quorum not being in attendance,

Mr. Oakley moved a call of the House.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Oakley, and it was determined in the negative.

Mr. Barber moved that the House do adjourn.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Barber, and it was determined in the negative.

On motion of Mr. M. Brooks,

*Ordered*, That Mr. Seymour have leave of absence for one day.

Mr. Oakley moved that the House do adjourn.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Oakley, and it was determined in the negative.

{ AYES 05 }  
{ NAYS 51 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

Mr. C. F. Crosby  
Mr. T. R. Lee

Mr. Mersereau  
Mr. Oakley

Mr. Wells

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Those who voted in the negative are

Mr. Bachman

Mr. Fellows

Mr. Raymond

Mr. Barber

Mr. Fonda

Mr. Rogers

Mr. Boughton

Mr. Frisbee

Mr. Sager

Mr. Bowen

Mr. Giffard

Mr. Sherman

Mr. J. Brooks

Mr. G. Goold

Mr. Skelton

Mr. M. Brooks

Mr. Hazelton

Mr. A. C. Smith

Mr. L. H. Brown

Mr. Heermans

Mr. W. Smith

Mr. S. A. Brown

Mr. Hervey

Mr. Spring

Mr. Burdick

Mr. Jarvis

Mr. R. L. Stevenson

Mr. Casner

Mr. Jones

Mr. Tefft

Mr. Chase

Mr. Kinne

Mr. Thayer

Mr. Coe

Mr. Litchfield

Mr. Van Schoonhoven

Mr. Collins

Mr. S. Miller

Mr. Van Valkenburgh

Mr. Comstock

Mr. Morrison

Mr. Wyckoff

Mr. Danforth

Mr. Moulton

Mr. Wynant

Mr. De Puy

Mr. Porter

Mr. A. W. Young

Mr. Dewey

Mr. Preston

Mr. J. Young

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Mr. Morrison moved a call of the House.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Morrison, and it was determined in the negative.



The bill entitled "An act to amend an act entitled 'An act for the relief of Ira Pearsons and Ira Pearsons junior,' passed March 23d, 1844;" the bill entitled "An act to repeal the charter of the Owego Turnpike Road Company,' passed March 30th, 1809;" the bill entitled "An act to change the location of Washington Park in the city of Brooklyn;" the bill entitled "An act concerning the district attorney of Greene county;" the bill entitled "An act to erect the town of West-Union in the county of Steuben," and the bill entitled "An act to erect the town of Ossinsing in the county of Westchester," were returned from the Senate.

*Ordered*, That the Clerk deliver the said bills to the Governor.

A message from the Senate, with the bill therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act to extend the charter of the West-Point Foundry Association," with the amendments therewith delivered.

On motion of Mr. Bailey,

*Ordered*, That the said bill and amendments be laid on the table.

The House, in committee of the whole, resumed the consideration of the bills which were before said committee at the time of taking the recess; and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Hazelton, from the said committee, reported progress on the bill entitled "An act to provide for the opening and improving the road through the Onondaga Indian reservation," and asked for and obtained leave to sit again.

Mr. Hazelton, from the same committee, reported, that the committee had gone through the bill entitled "An act to authorise the election of one supervisor for each of the wards of the city of Utica," made sundry amendments thereto, and agreed to the same; which he was directed to report to the house.

On motion of Mr. Comstock,

*Ordered*, That the said bill be referred to the committee on the internal affairs of towns and counties, with instructions to report the same complete.

Mr. Hazelton, from the same committee, reported, that the committee had gone through the bill entitled "An act to change the name of Samuel G. Chafee," and agreed to the same without amendment; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. Hazelton, from the same committee, reported, that the committee had gone through the bill entitled "An act for the relief of Calvin T. and agreed to the same without amendment; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. Hazelton, from the same committee, reported, that the committee had gone through the bill entitled "An act in relation to the canals," made sundry amendments thereto, and agreed to the same; which he was directed to report to the house.

Mr. T. R. Lee moved to lay the said report of the committee of the whole on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. T. R. Lee, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree with the committee of the whole in their report on the said bill, and it was determined in the affirmative.

{ AYES 55 }  
{ NAYS 17 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Barber      | Mr. G. Goold     | Mr. Ross            |
| Mr. Betts       | Mr. Hannum       | Mr. Sager           |
| Mr. Bloss       | Mr. Harris       | Mr. Salisbury       |
| Mr. Bowen       | Mr. Heermans     | Mr. Skelton         |
| Mr. M. Brooks   | Mr. Hervey       | Mr. A. C. Smith     |
| Mr. L. H. Brown | Mr. Howard       | Mr. W. Smith        |
| Mr. S. A. Brown | Mr. Jarvis       | Mr. Spring          |
| Mr. Cameron     | Mr. Johnson      | Mr. J. Stevenson    |
| Mr. Casner      | Mr. Jones        | Mr. Sweeney         |
| Mr. Chase       | Mr. D. Lee       | Mr. Thayer          |
| Mr. Coe         | Mr. Litchfield   | Mr. Tibbits         |
| Mr. Collins     | Mr. M'Key        | Mr. Van Valkenburgh |
| Mr. Comstock    | Mr. M'Vean       | Mr. Wells           |
| Mr. Culver      | Mr. Mann         | Mr. White           |
| Mr. Danforth    | Mr. C. B. Miller | Mr. Wyckoff         |
| Mr. Dewey       | Mr. Raymond      | Mr. Wynant          |
| Mr. Field       | Mr. Rice         | Mr. A. W. Young     |
| Mr. Frisbee     | Mr. Rogers       | Mr. J. Young        |
| Mr. Gifford     |                  |                     |

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Those who voted in the negative are

|               |               |                 |
|---------------|---------------|-----------------|
| Mr. Bachman   | Mr. Hammond   | Mr. Moulton     |
| Mr. Bagg      | Mr. Horton    | Mr. Sherman     |
| Mr. Bailey    | Mr. Kinne     | Mr. Strobbridge |
| Mr. Boughton  | Mr. Knapp     | Mr. Tefft       |
| Mr. J. Brooks | Mr. T. R. Lee | Mr. Titus       |
| Mr. Carpenter | Mr. Mersereau |                 |

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*Ordered*, That the said bill be engrossed for a third reading.

Mr. Hazelton, from the same committee, reported, that the committee had gone through the bill entitled "An act for the relief of Ray Clarke, Ethan R. Clarke and Samuel W. Clarke," and agreed to the same without amendment; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

By unanimous consent,

Mr. Van Schoonhoven offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That the bill from the Senate, entitled "An act to provide

for paying the debts of insolvent Safety fund banks," be ordered to a third reading.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

*Ordered*, That Mr. Fenn have leave of absence for seven days, Mr. Oakley for four days, Mr. Spring for fourteen days, Mr. Gifford for twelve days, Mr. Pierce for seven days, Mr. Salisbury for nine days, Mr. Edwards for three days, Mr. A. H. Buell for three days, Mr. Crain for one day, and Mr. Hall for seven days.

On motion of Mr. Ross,

The House then adjourned to ten o'clock to-morrow morning.

---

## FRIDAY, APRIL 25, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Selkirk.

The minutes of yesterday were read and approved.

The petition of Calvin Giteau and others of the town of Salina in the county of Onondaga, praying for the passage of a law authorising the saturating and purifying of salt water before boiling, to secure a pure article of salt, was read, and referred to the committee on the manufacture of salt.

Two several petitions of John Day and Stephen Bugbee, praying for relief for damages occasioned by a breach in the Erie canal, with the affidavits accompanying the same, were read, and referred to the committee on canals.

Two several remonstrances of sundry inhabitants of the county of Oneida, against the passage of any law increasing the number of supervisors in the city of Utica, were read, and ordered to be laid upon the table.

The petition of sundry inhabitants of the county of Lewis, praying that certain discretionary powers may be conferred on their board of supervisors, in relation to their poor-house affairs, was read, and referred to the committee on the internal affairs of towns and counties.

The petition of sundry inhabitants of the county of Chautauque, praying for a revision of the militia law, was read, and referred to the select committee on that subject.

The petition of Archibald M'Intyre and others, praying for the renewal of the incorporation of the Adirondack Iron-works, was read, and referred to the committee on trade and manufactures.

The petition of sundry inhabitants of the county of Jefferson, praying for the completion of the Black river canal, was read, and ordered to be laid on the table.

The petition of sundry merchants of the city of New-York, praying that the canal tolls west of Syracuse may be made equal to the tolls on

the Oswego and Welland canals, was read, and ordered to be laid on the table.

The remonstrance of sundry inhabitants of the county of Queens, against the erection of a bridge across the Hudson river at the city of Albany, was read, and referred to the committee of the whole when on the bill upon that subject.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to incorporate the United States Curvilinear Sawing Company," and the bill entitled "An act to incorporate the Cherrycreek Union Cemetery Society," and found the same severally correctly engrossed.

*Ordered,* That the said bills do have their third reading.

Mr. Carpenter, from the select committee to which was referred the bill entitled "An act relative to the militia and public defence," and the bill entitled "An act to improve the militia of this State," reported, that the committee had examined the said bills, and had adopted the bill entitled "An act relative to the militia and public defence," and made sundry amendments thereto, and saw no reason why the said amended bill should not be passed into a law.

On motion of Mr. Morrison,

*Ordered,* That the said bill be committed to a committee of the whole house, and made the special order for Monday next, at half past three o'clock in the afternoon.

Mr. S. A. Brown, from the select committee to which was referred the bill entitled "An act declaring a part of the Big Brokenstraw creek a public highway," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Van Valkenburgh, from the select committee to which was referred the bill entitled "An act to provide for the construction of a railroad from the village of Canandaigua in the county of Ontario, to the village of Corning in the county of Steuben," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered,* That the said bill be engrossed for a third reading.

By unanimous consent,

Mr. Bevins, from the committee on canals, to which was referred the numerous petitions of inhabitants of this State, praying for the repeal of the act of the last session, granting to railroad companies the right to carry freight, reported in writing, and asked leave to bring in a bill.

[See Document No. 236.]

Leave being granted, Mr. Bevins accordingly brought in the said bill, entitled "An act to repeal an act entitled 'An act to amend an act in-



corporating the Utica and Schenectady Railroad Company,' passed May 7th, 1844;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Bevens moved to print ten times the usual number of copies of the said report.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Bevens, and it was determined in the negative.

Mr. Hannum moved to print five times the usual number of copies of the said report.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Hannum, and it was determined in the affirmative.

The bill entitled "An act in relation to jurors in the city and county of Albany," was returned from the Senate.

*Ordered,* That the Clerk deliver the said bill to the Governor.

Mr. S. A. Brown, from the select committee to which was referred the bill entitled "An act to confirm the official acts of Philip Lazell, a justice of the peace in the county of Chautauque," with instructions to the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered,* That the said bill be engrossed for a third reading.

By unanimous consent,

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the petition of Joseph Harris, for relief, reported favorably to the prayer of the petitioner, and asked leave to bring in a bill.

Leave being granted, Mr. Chase accordingly brought in the said bill, entitled "An act for the relief of Joseph Harris ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to provide for the opening and clearing a channel for Mud creek, from the State road in Cicero in the county of Onondaga, to its junction with the Oneida river in the town of Clay," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered,* That the said bill be engrossed for a third reading.

On motion of Mr. Chase,

The House then proceeded to the consideration of the bill entitled "An act to divide the town of Chenango."

The question recurred on agreeing to the report of the committee to which the said bill was referred, with instruction to report the same complete.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the negative.

Mr. D. Lee moved to reconsider the said vote.'

Mr. T. R. Lee moved to lay the said motion of Mr. D. Lee on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. T. R. Lee, and it was determined in the negative.

{ AYES 42 }  
{ NAYS 53 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. D. Gould     | Mr. Pardee          |
| Mr. Bagg        | Mr. Hazelton     | Mr. Preston         |
| Mr. Bailey      | Mr. Hervey       | Mr. Rogers          |
| Mr. Bevins      | Mr. Howard       | Mr. Russell         |
| Mr. Billings    | Mr. Jones        | Mr. Sager           |
| Mr. J. Brooks   | Mr. Kinne        | Mr. W. Smith        |
| Mr. L. H. Brown | Mr. T. R. Lee    | Mr. Speaker         |
| Mr. Bunker      | Mr. M'Carthy     | Mr. R. L. Stevenson |
| Mr. Burdick     | Mr. M'Donald     | Mr. Strobbridge     |
| Mr. Carpenter   | Mr. M'Key        | Mr. Tefft           |
| Mr. Chase       | Mr. C. B. Miller | Mr. Thayer          |
| Mr. Comstock    | Mr. S. Miller    | Mr. Tuthill         |
| Mr. Fellows     | Mr. Morris       | Mr. Walrath         |
| Mr. Fonda       | Mr. Niven        | Mr. Whitney         |

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Those who voted in the negative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Barber       | Mr. Gregory    | Mr. Rice            |
| Mr. Betts        | Mr. Hammond    | Mr. Ross            |
| Mr. Bloss        | Mr. Hannum     | Mr. Sherman         |
| Mr. Boughton     | Mr. Heermans   | Mr. Skelton         |
| Mr. Bowen        | Mr. Horton     | Mr. J. Stevenson    |
| Mr. S. A. Brown  | Mr. Jarvis     | Mr. Sweeney         |
| Mr. Cameron      | Mr. Johnson    | Mr. Thompson        |
| Mr. Casner       | Mr. Knapp      | Mr. Tibbits         |
| Mr. Coe          | Mr. D. Lee     | Mr. Titus           |
| Mr. Collins      | Mr. Litchfield | Mr. Van Valkenburgh |
| Mr. C. F. Crosby | Mr. Long       | Mr. Wells           |
| Mr. Culver       | Mr. M'Vean     | Mr. Wheeler         |
| Mr. Danforth     | Mr. Mann       | Mr. White           |
| Mr. Dewey        | Mr. Mersereau  | Mr. Wilcox          |
| Mr. Field        | Mr. Morrison   | Mr. Wyckoff         |
| Mr. Frisbee      | Mr. Moulton    | Mr. Wynant          |
| Mr. Giffard      | Mr. Porter     | Mr. A. W. Young     |
| Mr. G. Goold     | Mr. Raymond    |                     |

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Mr. Speaker then put the question whether the House would agree to the said motion of Mr. D. Lee, and it was determined in the negative.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the bill from the Senate, entitled "An act concerning the district attorney of the county of Schoharie," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the bill entitled "An act to extend certain provisions of the Revised Statutes, concerning the assessment of taxes on incorporated companies, and the commutation and collection thereof," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the bill entitled "An act to vest certain powers in the board of supervisors of Sullivan county," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the bill entitled "An act to extend the jurisdiction of the circuit judge of the first circuit, in hearing non-enumerated motions," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

The hour of twelve o'clock having arrived,

The Chair announced the special order of the House, being the consideration of the bill entitled "An act reducing the rate of interest of money."

Mr. Harris moved that the said special order be passed over, until to-morrow at twelve o'clock.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Harris, and it was determined in the affirmative.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the petition of sundry inhabitants of the town of Plainfield in the county of Otsego, relative to judicial reform, reported unfavorably to the prayer of the petitioners, and offered the following resolution :

*Resolved*, That the committee on the judiciary be discharged from the further consideration of the petition for judicial reform.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the petition of sundry inhabitants of the counties of Herkimer



and Otsego, praying for the passage of an act to authorise attornies and counsellors at law to take the acknowledgment of deeds, reported unfavorably to the prayer of the petitioners, and offered the following resolution, to wit :

*Resolved*, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred sundry petitions for a special term of the Supreme Court to be held at Geneva, reported unfavorably to the prayer of the petitioners, and offered the following resolution, to wit :

*Resolved*, That the committee on the judiciary be discharged from the further consideration of the petitions for the passage of a law authorising the holding of a special term of the Supreme Court in the village of Geneva in the county of Ontario.

Mr. D. Lee moved to lay the said resolution on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. D. Lee, and it was determined in the affirmative.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the petition of William G. Sickler, praying for the passage of an act of divorce, reported unfavorably to the prayer of the petitioner, and offered the following resolution, to wit :

*Resolved*, That the prayer of the petitioner ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the bill entitled "An act to authorise the appointment of a supreme court commissioner to reside at Mayville in the county of Chautauque, and for other purposes," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

On motion of Mr. S. A. Brown,

*Ordered*, That the said bill be engrossed for a third reading.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the petition of sundry merchants of the city of New-York, for an alteration of the pilot laws by the way of Hellgate to the port of New-York, reported unfavorably to the prayer of the petitioners, and offered the following resolution, to wit :

*Resolved*, That the committee on the judiciary be discharged from the further consideration of the petition for an alteration of the law of pilotage by the way of Hellgate.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the bill entitled "An act to provide for the payment of the costs and expenses incurred by the city and county of New-York, by reason of the trial of Polly, otherwise called Mary Bodine," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.



*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Van Schoonhoven, from the committee on two-third bills, to which was referred the bill entitled "An act to amend an act entitled 'An act incorporating the Long Island Railroad Company,' passed April 24th, 1834," reported, that the committee had examined the said bill, and come to the conclusion that the same requires the assent of only a majority of the members voting thereon, to become a law.

On motion of Mr. Wheeler,

*Ordered*, That the question on agreeing with the committee in their said report be laid on the table until to-morrow morning.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to renew and extend an act passed February 23d, 1839, incorporating the American Atlantic Steam Navigation Company;" the bill entitled "An act to provide for the construction of a bridge at Massena in the county of St. Lawrence, by a tax upon the town;" and the bill entitled "An act in relation to the canals," and found the same severally correctly engrossed.

*Ordered*, That the said bills do have their third reading.

Mr. Bush, from the select committee to which was referred the bill entitled "An act to provide for the construction of a railroad from Attica to Hornellsville," with instructions to report the same complete, reported, that the committee had examined the said bill, and made sundry amendments thereto, and saw no reason why the said amended bill should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. T. R. Lee, from the select committee to which was referred the bill entitled "An act relative to the New-York and Newhaven Railroad Company," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Coe moved to lay on the table the order of business of "Reports of select committees."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Coe, and it was determined in the affirmative.

A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
Albany, April 24, 1845. }

TO THE ASSEMBLY.

I have this day approved and signed the bill entitled "An act relative to school district number two in the city of Rochester."

The bill entitled "An act relative to purchasers at receiver's sales."

And the bill entitled "An act in relation to the Newburgh High School."

SILAS WRIGHT.

A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
Albany, April 25, 1845. }

TO THE ASSEMBLY.

I have this day approved and signed the bill entitled "An act to repeal the charter of the Owego Turnpike Road Company," passed March 30th, 1809."

The bill entitled "An act to erect the town of West-Union in the county of Steuben."

The bill entitled "An act to change the location of Washington Park in the city of Brooklyn."

The bill entitled "An act concerning the district attorney of Greene county."

The bill entitled "An act to amend an act entitled "An act for the relief of Ira Pearsons and Ira Pearsons junior," passed March 23d, 1844."

And the bill entitled "An act in relation to jurors in the city and county of Albany."

SILAS WRIGHT.

A message from the Governor was received, informing that the bill therewith returned, entitled "An act to erect the town of Ossinsing in the county of Westchester," was, in his opinion, a bill requiring the assent of two-thirds of all the members elected to the Assembly, to become a law.

*Ordered*, That the said bill be referred to the committee on two-third bills.

The bill entitled "An act to incorporate the Rosendale and New-Paltz Turnpike Company," was returned from the Senate.

*Ordered*, That the Clerk deliver the said bill to the Governor.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bill therewith delivered, entitled "An act to establish and regulate ferries between the city of New-York and Long island ;" which was read the first time, and by unanimous consent was also read a second time.

Mr. Wheeler moved to refer the said bill to the committee on the judiciary.

Mr. Wyckoff moved to refer said bill to a select committee.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Wheeler, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the said motion of Mr. Wyckoff, and it was determined in the affirmative.

On motion of Mr. Bailey,

The House then proceeded to the consideration of the amendments of the Senate to the bill entitled "An act to extend the charter of the West-Point Foundry Association."

The said amendments having been read,

Mr. Speaker put the question whether the House would concur with

the Senate in their amendments to the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 88 }  
 { NAYS 07 }

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. D. Gould     | Mr. Preston         |
| Mr. Bagg         | Mr. G. Goold     | Mr. Rice            |
| Mr. Bailey       | Mr. Hammond      | Mr. Rogers          |
| Mr. Barber       | Mr. Hannum       | Mr. Ross            |
| Mr. Betts        | Mr. Harris       | Mr. Russell         |
| Mr. Bevens       | Mr. Hazelton     | Mr. Sager           |
| Mr. Boughton     | Mr. Heermans     | Mr. Searing         |
| Mr. Bowen        | Mr. Hervey       | Mr. Sears           |
| Mr. J. Brooks    | Mr. Horton       | Mr. A. C. Smith     |
| Mr. M. Brooks    | Mr. Howard       | Mr. W. Smith        |
| Mr. S. A. Brown  | Mr. Jarvis       | Mr. Speaker         |
| Mr. T. Buel      | Mr. Jones        | Mr. J. Stevenson    |
| Mr. Bunker       | Mr. D. Lee       | Mr. R. L. Stevenson |
| Mr. Burdick      | Mr. T. R. Lee    | Mr. Strobbridge     |
| Mr. Bush         | Mr. Long         | Mr. Sweeney         |
| Mr. Carpenter    | Mr. M'Carthy     | Mr. Tefft           |
| Mr. Casner       | Mr. M'Donald     | Mr. Thayer          |
| Mr. Chase        | Mr. M'Key        | Mr. Tibbits         |
| Mr. Coe          | Mr. M'Vean       | Mr. Titus           |
| Mr. Collins      | Mr. Mather       | Mr. Tutbill         |
| Mr. Comstock     | Mr. Mersereau    | Mr. Van Schoonhoven |
| Mr. C. F. Crosby | Mr. C. B. Miller | Mr. Van Valkenburgh |
| Mr. Culver       | Mr. S. Miller    | Mr. Walrath         |
| Mr. Danforth     | Mr. Morris       | Mr. White           |
| Mr. De Puy       | Mr. Morrison     | Mr. Whitney         |
| Mr. Fellows      | Mr. Moulton      | Mr. Wilcox          |
| Mr. Field        | Mr. Niven        | Mr. Wyckoff         |
| Mr. Fonda        | Mr. Pardee       | Mr. Wynant          |
| Mr. Frisbee      | Mr. Porter       | Mr. A. W. Young     |
| Mr. Giffard      |                  |                     |

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Those who voted in the negative are

|                |             |             |
|----------------|-------------|-------------|
| Mr. Bloss      | Mr. Mann    | Mr. Sherman |
| Mr. Dewey      | Mr. Raymond | Mr. Wells   |
| Mr. Litchfield |             |             |

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*Ordered,* That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred with them in the said amendments, and amended the bill accordingly.

Mr. Collins moved that the bill entitled "An act in relation to the canals," be now read the third time.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Collins, and it was determined in the affirmative.

The said bill was then read the third time.

Debates were had thereon, and continued until half past one o'clock, when the House took a recess till half past three o'clock this afternoon.

### HALF PAST THREE O'CLOCK, P. M.

The House again met.

*Ordered*, That Mr. Jones have leave of absence for four days, Mr. S. A. Brown for three days, and Mr. Jarvis for eight days.

The House resumed the consideration of the bill entitled "An act in relation to the canals."

Debates were again had ; when

Mr. Seymour moved to amend the said bill as follows, to wit :

At the end of the fourth section, add "Nothing in this act shall be understood as appropriating or authorising the expenditure of more than the said sum of one hundred and ninety-seven thousand dollars for the public works of this State ; but this section shall not in any way affect the provisions of this bill relative to the lock in the village of Elmira, which shall in any event be rebuilt, if, in the opinion of the canal commissioners, the interest of the State shall require it."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Seymour, and it was determined in the affirmative.

Debates were again had ; when

Mr. Walrath called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put ?" and it was determined in the affirmative.

Whereupon,

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, as amended, and it was determined in the affirmative.

{ AYES 68 }  
{ NAYS 26 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are .

Mr. Barber  
Mr. Betts  
Mr. Bevens  
Mr. Billings  
Mr. Bloss

Mr. Fonda  
Mr. Frisbee  
Mr. Giffard  
Mr. D. Gould  
Mr. G. Goold

Mr. Raymond  
Mr. Rice  
Mr. Rogers  
Mr. Ross  
Mr. Sager



|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Boughton     | Mr. Hammond      | Mr. A. C. Smith     |
| Mr. Bowen        | Mr. Hannum       | Mr. Speaker         |
| Mr. M. Brooks    | Mr. Harris       | Mr. J. Stevenson    |
| Mr. L. H. Brown  | Mr. Hazelton     | Mr. Sweeney         |
| Mr. S. A. Brown  | Mr. Heermans     | Mr. Thayer          |
| Mr. Burdick      | Mr. Hervey       | Mr. Tibbits         |
| Mr. Bush         | Mr. Howard       | Mr. Tutbill         |
| Mr. Casner       | Mr. Johnson      | Mr. Van Schoonhoven |
| Mr. Chase        | Mr. D. Lee       | Mr. Van Valkenburgh |
| Mr. Coe          | Mr. Litchfield   | Mr. Walrath         |
| Mr. Collins      | Mr. Long         | Mr. Wells           |
| Mr. Comstock     | Mr. M'Key        | Mr. Wheeler         |
| Mr. C. F. Crosby | Mr. M'Vean       | Mr. White           |
| Mr. Culver       | Mr. Mann         | Mr. Wilcox          |
| Mr. Danforth     | Mr. C. B. Miller | Mr. Wyckoff         |
| Mr. Dewey        | Mr. Morrison     | Mr. Wynant          |
| Mr. Fellows      | Mr. Niven        | Mr. A. W. Young     |
| Mr. Field        | Mr. Pardee       |                     |

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Those who voted in the negative are

|               |               |                     |
|---------------|---------------|---------------------|
| Mr. Bachman   | Mr. Knapp     | Mr. Russell         |
| Mr. Bagg      | Mr. T. R. Lee | Mr. Searing         |
| Mr. Bailey    | Mr. M'Carthy  | Mr. Skelton         |
| Mr. J. Brooks | Mr. M'Donald  | Mr. R. L. Stevenson |
| Mr. Bunker    | Mr. S. Miller | Mr. Strobbridge     |
| Mr. Carpenter | Mr. Morris    | Mr. Tefft           |
| Mr. Crain     | Mr. Moulton   | Mr. Titus           |
| Mr. Gregory   | Mr. Porter    | Mr. Whitney         |
| Mr. Kinne     | Mr. Preston   |                     |

26

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The Chair then announced the special order of the House, being the consideration of the bill from the Senate, entitled "An act to reduce the number of town officers, and town and county expenses, and to prevent abuses in auditing town and county accounts."

On motion of Mr. Harris,

*Ordered*, That the said special order be postponed until Monday next, at twelve o'clock at noon.

Mr. Harris moved to lay on the table the order of business of the "Third reading of bills."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Harris, and it was determined in the negative.

The engrossed bill entitled "An act for the relief of George Gardner and others," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill entitled "An act for the relief of John Watkins," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bills to the Senate, and request their concurrence in the same.

The engrossed bill from the Senate, entitled "An act authorising Thornby Everett Schoolar to change his name to Thornby Schoolar Everett," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The engrossed bill from the Senate, entitled "An act to enable Charles De la Forest to hold and convey real estate," was read the third time.

Mr. Crain moved that the question on the final passage of the said bill be laid on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Crain, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.

The engrossed bill entitled "An act to provide for the improving and keeping in repair of a road through the Onondaga Indian reservation," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill entitled "An act in relation to the appointment of superintendents of the poor in the county of Westchester, and for other purposes," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bills to the Senate, and request their concurrence in the same.

Mr. M-Key moved to reconsider the vote on the final passage of the bill from the Senate, entitled "An act to enable Charles De la Forest to hold and convey real estate."

Mr. M-Key also moved that the question on the reconsideration of the said vote be laid on the table.

Mr. Speaker put the question whether the House would agree to the last motion of Mr. M-Key, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the first motion of Mr. M-Key, and it was determined in the negative.

Whereupon,

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The engrossed bill entitled "An act for the relief of Isaac I. Yates and Joseph Y. Vanderbogart," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to amend the act entitled 'An act to incorporate village of Bath in the county of Steuben,'" was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 86 }  
{ NAYS 01 }

Those who voted in the affirmative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. G. Goold     | Mr. Rice            |
| Mr. Bagg        | Mr. Gregory      | Mr. Rogers          |
| Mr. Bailey      | Mr. Hammond      | Mr. Ross            |
| Mr. Barber      | Mr. Hannum       | Mr. Russell         |
| Mr. Betts       | Mr. Harris       | Mr. Sager           |
| Mr. Bevens      | Mr. Hazelton     | Mr. Searing         |
| Mr. Billings    | Mr. Heermans     | Mr. Skelton         |
| Mr. Bloss       | Mr. Hervey       | Mr. A. C. Smith     |
| Mr. Bowen       | Mr. Howard       | Mr. Speaker         |
| Mr. J. Brooks   | Mr. Johnson      | Mr. J. Stevenson    |
| Mr. L. H. Brown | Mr. Kinne        | Mr. R. L. Stevenson |
| Mr. S. A. Brown | Mr. D. Lee       | Mr. Strobridge      |
| Mr. Bunker      | Mr. T. R. Lee    | Mr. Sweeney         |
| Mr. Burdick     | Mr. Litchfield   | Mr. Tefft           |
| Mr. Bush        | Mr. Long         | Mr. Thayer          |
| Mr. Casner      | Mr. M'Donald     | Mr. Tibbits         |
| Mr. Chase       | Mr. M'Key        | Mr. Titus           |
| Mr. Coe         | Mr. Mann         | Mr. Tutbill         |
| Mr. Collins     | Mr. Mather       | Mr. Van Schoonhoven |
| Mr. Crain       | Mr. C. B. Miller | Mr. Van Valkenburgh |
| Mr. Culver      | Mr. S. Miller    | Mr. Walrath         |
| Mr. Danforth    | Mr. Morrison     | Mr. Wells           |
| Mr. Dewey       | Mr. Moulton      | Mr. Wheeler         |
| Mr. Fellows     | Mr. Newkirk      | Mr. White           |
| Mr. Field       | Mr. Niven        | Mr. Wilcox          |
| Mr. Fonda       | Mr. Pardee       | Mr. Wyckoff         |
| Mr. Frisbee     | Mr. Porter       | Mr. Wynant          |
| Mr. Giffard     | Mr. Preston      | Mr. A. W. Young     |
| Mr. D. Gould    | Mr. Raymond      |                     |

86

For the negative,

Mr. Whitney

1

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

By unanimous consent, on motion of Mr. Bailey,

*Resolved*, That the bill authorising the laying out of a road in the county of Westchester," be taken from the general orders, and ordered to have its third reading.

The engrossed bill entitled "An act to authorise the Canal Commissioners to lease certain surplus waters of the Erie canal to Roderick Price," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill from the Senate, entitled "An act to provide for paying the debts of insolvent Safety fund banks," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

Mr. Coe moved to lay the present order of business on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Coe, and it was determined in the negative.

Mr. Coe moved that the House take a recess until seven o'clock.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Coe, and it was determined in the negative.

{ AYES 40 }  
{ NAYS 44 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bagg        | Mr. Culver       | Mr. Morrison        |
| Mr. Barber      | Mr. Fonda        | Mr. Moulton         |
| Mr. Betts       | Mr. Frisbee      | Mr. Preston         |
| Mr. Bevins      | Mr. Gifford      | Mr. Raymond         |
| Mr. Boughton    | Mr. G. Goold     | Mr. Rogers          |
| Mr. Bowen       | Mr. Hammond      | Mr. Sager           |
| Mr. J. Brooks   | Mr. Harris       | Mr. Speaker         |
| Mr. S. A. Brown | Mr. Heermans     | Mr. R. L. Stevenson |
| Mr. Burdick     | Mr. Hervey       | Mr. Tefft           |
| Mr. Bush        | Mr. Horton       | Mr. Titus           |
| Mr. Casner      | Mr. D. Lee       | Mr. Van Valkenburgh |
| Mr. Chase       | Mr. M'Key        | Mr. Walrath         |
| Mr. Coe         | Mr. C. B. Miller | Mr. Wilcox          |
| Mr. Collins     |                  |                     |

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Those who voted in the negative are

|               |                |                     |
|---------------|----------------|---------------------|
| Mr. Bachman   | Mr. Kinne      | Mr. Skelton         |
| Mr. Billings  | Mr. Knapp      | Mr. A. C. Smith     |
| Mr. Carpenter | Mr. T. R. Lee  | Mr. J. Stevenson    |
| Mr. Comstock  | Mr. Litchfield | Mr. Strobridge      |
| Mr. Crain     | Mr. Long       | Mr. Sweeney         |
| Mr. Danforth  | Mr. M'Donald   | Mr. Thayer          |
| Mr. Dewey     | Mr. Mann       | Mr. Tuthill         |
| Mr. Fellows   | Mr. Mather     | Mr. Van Schoonhoven |
| Mr. Field     | Mr. S. Miller  | Mr. Wells           |
| Mr. Gregory   | Mr. Niven      | Mr. Wheeler         |
| Mr. Hannum    | Mr. Pardee     | Mr. White           |
| Mr. Hazelton  | Mr. Porter     | Mr. Whitney         |
| Mr. Howard    | Mr. Rice       | Mr. Wynant          |
| Mr. Johnson   | Mr. Russell    | Mr. A. W. Young     |
| Mr. Jones     | Mr. Searing    |                     |

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The engrossed bill from the Senate, entitled "An act for the erection of a flagstaff on the Capitol," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

By unanimous consent,

Mr. Titus, from the committee on trade and manufactures, to which was referred the bill entitled "An act to incorporate the Urbana Woolen Manufacturing Company," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

The engrossed bill entitled "An act to authorise J. Horsely Palmer to hold and convey real estate," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

On motion of Mr. T. R. Lee,

The House then adjourned to ten o'clock to-morrow morning.

## SATURDAY, APRIL 26, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Spicer.

The minutes of yesterday were read and approved.

The petition of Francis B. Cutting and others, praying for the passage of an act to incorporate the New-York and Richmond Steam Ferry Company, was read, and referred to the committee on trade and manufactures.

The remonstrance of Timothy C. Dwight, against the passage of the bill now pending before the Assembly, to amend the charter of the Blackrock ferry, was read, and ordered to be laid on the table.

The petition of sundry inhabitants of the county of Orange, praying for the passage of a law for the preservation of carp in the Hudson river, was read, and referred to the committee on the petitions of aliens.

The Chair announced the appointment of a select committee on the bill from the Senate, entitled "An act to establish and regulate ferries between the city of New-York and Long island," to consist of Mr. S. A. Brown, Mr. Boughton, Mr. Knapp, Mr. L. H. Brown and Mr. Bush.

Mr. Titus, from the committee on trade and manufactures, to which was referred the petition of Archibald M'Intyre and others, praying for a renewal of the charter of the Adirondack Iron Company, reported

favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Titus accordingly brought in the said bill, entitled "An act to revive and continue in force an act passed April 12, 1834, incorporating the Adirondack Iron and Steel Company;" which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. Titus,

*Ordered*, That the said bill be recommitted to the committee on trade and manufactures, with instructions to report the same complete.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the petition of sundry inhabitants of the counties of Hamilton, Herkimer and Fulton, relative to highways in said counties, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Chase accordingly brought in the said bill, entitled "An act to amend an act in relation to highways in the counties of Hamilton, Herkimer and Fulton;" which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. Fonda,

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Billings, from the committee on banks and insurance companies, to which was referred the bill entitled "An act to incorporate the Empire Mutual Insurance Company," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Billings, from the committee on banks and insurance companies, to which was referred the bill entitled "An act further to amend an act to incorporate the New-York Fire Insurance Company of the city of New York, passed April 18th, 1832," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Billings, from the committee on banks and insurance companies, to which was referred the bill entitled "An act to incorporate the Mutual Benefit Life Insurance Company," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Billings, from the committee on banks and insurance companies, to which was referred the bill from the Senate, entitled "An act in relation to the receiver of the Miller's Bank at Clyde," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Bailey, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act authorising the laying out a road in the county of Westchester," and found the same correctly engrossed.

*Ordered*, That the said bill do have its third reading.

Mr. Van Schoonhoven, from the committee on two-third bills, to which was referred the bill entitled "An act to erect the town of Ossinsing in the county of Westchester," reported, that the committee had examined the said bill, and come to the conclusion that it requires the votes of two-thirds of all the members elected to the Assembly to pass the same into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to change the name of Samuel G. Chafee," and found the same correctly engrossed.

*Ordered*, That the said bill do have its third reading.

By unanimous consent, and

In pursuance of previous notice, Mr. Harris asked for and obtained leave to bring in a bill entitled "An act in relation to courts in the city and county of Albany, having criminal jurisdiction ;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

Mr. Tefft, from the select committee to which was referred the bill entitled "An act for the safe keeping, and to provide a time for the distribution of the gospel and school fund money in the county of Onondaga," with instructions to report the same complete, reported, that the committee had examined the said bill, and made sundry amendments thereto, and saw no reason why the said amended bill should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

By unanimous consent, on motion of Mr. Tefft,

*Resolved*, That the bill entitled "An act relative to the village of Syracuse," be engrossed for a third reading.

By unanimous consent,

Mr. Harris offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That Friday next be devoted to the consideration of the bill authorising the construction of a bridge across the Hudson river at Albany.

Mr. Frisbee moved to amend the said resolution, so as to postpone the consideration of the said bill indefinitely.

Debates were had thereon ; when

Mr. Frisbee withdrew his said motion.

Mr. Speaker then put the question whether the House would agree to the said resolution, and it was determined in the affirmative.



Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the bill from the Senate, entitled "An act to preserve certain waters from the effects of gas, tar, and refuse of gas-houses and factories," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
Albany, April 25, 1845. }

TO THE ASSEMBLY.

I have this day approved and signed the bill entitled "An act to incorporate the Rosendale and New-Paltz Turnpike Company."

SILAS WRIGHT.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act for the relief of Calvin T. Chamberlain;" the bill entitled "An act for the relief of Ethan Ray Clarke and others;" the bill entitled "An act authorising the board of supervisors of the counties of Saratoga, Allegany, Essex, Oneida, Columbia, Ulster, Putnam and Dutchess, to restore the distinction between town and county poor;" the bill entitled "An act to prohibit the throwing or depositing in the Croton aqueduct, or either of the reservoirs, any dead animals, or other offensive matter or thing whatever;" and the bill entitled "An act to incorporate the Fonda Academy," and found the same severally correctly engrossed.

*Ordered*, That the said bills do have their third reading.

The engrossed bill entitled "An act to divide the town of Sparta, and to erect the towns of Dansville, East-Sparta and West-Sparta in the county of Livingston," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to amend an act vesting certain powers in the freeholders and inhabitants of the village of Waterford, passed March 28th, 1805," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 87 }  
{ NAYS 00 }

Those who voted in the affirmative are

Mr. Bachman  
Mr. Bagg

Mr. G. Goold  
Mr. Gregory

Mr. Preston  
Mr. Raymond



|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bailey       | Mr. Hammond      | Mr. Rice            |
| Mr. Barber       | Mr. Hannum       | Mr. Rogers          |
| Mr. Betts        | Mr. Harris       | Mr. Russell         |
| Mr. Bevens       | Mr. Hazelton     | Mr. Sager           |
| Mr. Billings     | Mr. Heermans     | Mr. Searing         |
| Mr. Bloss        | Mr. Hervey       | Mr. Sears           |
| Mr. Bowen        | Mr. Horton       | Mr. Skelton         |
| Mr. J. Brooks    | Mr. Howard       | Mr. A. C. Smith     |
| Mr. M. Brooks    | Mr. Huntington   | Mr. Speaker         |
| Mr. L. H. Brown  | Mr. Johnson      | Mr. J. Stevenson    |
| Mr. Bunker       | Mr. Kinne        | Mr. R. L. Stevenson |
| Mr. Burdick      | Mr. Knapp        | Mr. Sweeney         |
| Mr. Bush         | Mr. D. Lee       | Mr. Tefft           |
| Mr. Carpenter    | Mr. T. R. Lee    | Mr. Thayer          |
| Mr. Casner       | Mr. Litchfield   | Mr. Tibbits         |
| Mr. Chase        | Mr. Long         | Mr. Titus           |
| Mr. Collins      | Mr. McCarthy     | Mr. Van Schoonhoven |
| Mr. Comstock     | Mr. McDonald     | Mr. Van Valkenburgh |
| Mr. Crain        | Mr. M'Key        | Mr. Walrath         |
| Mr. C. F. Crosby | Mr. Mann         | Mr. Wells           |
| Mr. Culver       | Mr. Mather       | Mr. Wheeler         |
| Mr. Danforth     | Mr. C. B. Miller | Mr. White           |
| Mr. Fellows      | Mr. S. Miller    | Mr. Whitney         |
| Mr. Field        | Mr. Morrison     | Mr. Wilcox          |
| Mr. Fonda        | Mr. Moulton      | Mr. Wyckoff         |
| Mr. Frisbee      | Mr. Niven        | Mr. Wynant          |
| Mr. Giffard      | Mr. Porter       | Mr. A. W. Young 87  |

*Ordered,* That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill from the Senate, entitled "An act to authorise the board of supervisors of the county of Jefferson to levy a tax upon the town of Wilna, to pay a debt against said town," was read the third time.

*Resolved,* That the bill do pass.

*Ordered,* That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The engrossed bill entitled "An act to incorporate the Brooklyn Quay Company," was read the third time.

On motion of Mr. Morrison,

*Ordered,* That the question on the final passage of the said bill be laid upon the table.

The bill entitled "An act to extend the charter of the West-Point Foundry Association," was returned from the Senate.

*Ordered,* That the Clerk deliver the said bill to the Governor.

The engrossed bill entitled "An act to enable resident aliens to hold and convey real estate, and for other purposes," was read the third time.

On motion of Mr. Tefft,

*Ordered,* That the said bill be referred to a select committee, with instructions to report the same complete.

The engrossed bill entitled "An act for the preservation of fish in the Nine-mile creek," was read the third time.

*Resolved,* That the bill do pass.

*Ordered,* That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill from the Senate, entitled "An act to amend an act entitled 'An act to incorporate the Newburgh and Plattekill Turnpike Company,' passed June 12th, 1812," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 89 }  
{ NAYS 00 }

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Giffard      | Mr. Rogers          |
| Mr. Bagg         | Mr. D. Gould     | Mr. Sager           |
| Mr. Bailey       | Mr. G. Goold     | Mr. Searing         |
| Mr. Barber       | Mr. Gregory      | Mr. Sears           |
| Mr. Betts        | Mr. Harris       | Mr. Skelton         |
| Mr. Bevins       | Mr. Hazelton     | Mr. A. C. Smith     |
| Mr. Billings     | Mr. Heermans     | Mr. Speaker         |
| Mr. Bloss        | Mr. Hervey       | Mr. J. Stevenson    |
| Mr. Boughton     | Mr. Huntington   | Mr. R. L. Stevenson |
| Mr. Bowen        | Mr. Johnson      | Mr. Strobbridge     |
| Mr. J. Brooks    | Mr. Kinne        | Mr. Sweeney         |
| Mr. M. Brooks    | Mr. Knapp        | Mr. Tefft           |
| Mr. Bunker       | Mr. D. Lee       | Mr. Thayer          |
| Mr. Burdick      | Mr. T. R. Lee    | Mr. Thompson        |
| Mr. Bush         | Mr. Litchfield   | Mr. Tibbits         |
| Mr. Carpenter    | Mr. Long         | Mr. Titus           |
| Mr. Casner       | Mr. M'Carthy     | Mr. Tuthill         |
| Mr. Chase        | Mr. M'Donald     | Mr. Van Schoonhoven |
| Mr. Coe          | Mr. M'Key        | Mr. Van Valkenburgh |
| Mr. Collins      | Mr. Mann         | Mr. Walrath         |
| Mr. Comstock     | Mr. Mather       | Mr. Wells           |
| Mr. Crain        | Mr. C. B. Miller | Mr. Wheeler         |
| Mr. C. F. Crosby | Mr. S. Miller    | Mr. White           |
| Mr. Culver       | Mr. Morrison     | Mr. Whitney         |
| Mr. Danforth     | Mr. Moulton      | Mr. Wilcox          |
| Mr. Dewey        | Mr. Niven        | Mr. Wyckoff         |
| Mr. Fellows      | Mr. Porter       | Mr. Wynant          |
| Mr. Field        | Mr. Preston      | Mr. A. W. Young     |
| Mr. Fonda        | Mr. Raymond      | Mr. J. Young        |
| Mr. Frisbee      | Mr. Rice         |                     |

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*Ordered,* That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The engrossed bill entitled "An act for the laying out of a highway along the Chenango canal, from the Cherryvalley turnpike to the Oriskany falls," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill entitled "An act in relation to the Normal School," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bills to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to amend the charter of the Herkimer Manufacturing and Hydraulic Company," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 86 }  
 { NAYS 01 }

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Giffard      | Mr. Rice            |
| Mr. Bagg         | Mr. D. Gould     | Mr. Rogers          |
| Mr. Bailey       | Mr. G. Goold     | Mr. Sager           |
| Mr. Barber       | Mr. Gregory      | Mr. Searing         |
| Mr. Betts        | Mr. Harris       | Mr. Sears           |
| Mr. Bevens       | Mr. Hazelton     | Mr. Skelton         |
| Mr. Billings     | Mr. Heermans     | Mr. A. C. Smith     |
| Mr. Bloss        | Mr. Hervey       | Mr. Speaker         |
| Mr. Bowen        | Mr. Howard       | Mr. J. Stevenson    |
| Mr. M. Brooks    | Mr. Huntington   | Mr. Strobbridge     |
| Mr. L. H. Brown  | Mr. Kinne        | Mr. Sweeney         |
| Mr. Bunker       | Mr. Knapp        | Mr. Tefft           |
| Mr. Burdick      | Mr. D. Lee       | Mr. Thayer          |
| Mr. Bush         | Mr. T. R. Lee    | Mr. Thompson        |
| Mr. Carpenter    | Mr. Litchfield   | Mr. Tibbits         |
| Mr. Casner       | Mr. Long         | Mr. Titus           |
| Mr. Chase        | Mr. M'Carthy     | Mr. Tuthill         |
| Mr. Coe          | Mr. M'Donald     | Mr. Van Schoonhoven |
| Mr. Collins      | Mr. M'Key        | Mr. Walrath         |
| Mr. Comstock     | Mr. Mann         | Mr. Wells           |
| Mr. Crain        | Mr. C. B. Miller | Mr. Wheeler         |
| Mr. C. F. Crosby | Mr. S. Miller    | Mr. White           |
| Mr. Culver       | Mr. Morris       | Mr. Whitney         |
| Mr. Danforth     | Mr. Morrison     | Mr. Wilcox          |
| Mr. Dewey        | Mr. Moulton      | Mr. Wyckoff         |
| Mr. Fellows      | Mr. Niven        | Mr. Wynant          |
| Mr. Field        | Mr. Porter       | Mr. A. W. Young     |
| Mr. Fonda        | Mr. Preston      | Mr. J. Young        |
| Mr. Frisbee      | Mr. Raymond      |                     |

For the negative,

Mr. J. Brooks

1

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

By unanimous consent,

Mr. M'Carthy, from the select committee to which was referred the bill entitled "An act to enable resident aliens to hold and convey real estate, and for other purposes," with instructions to report the same complete, reported, that the committee had examined the said bill, and made sundry amendments thereto, and saw no reason why the said amended bill should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be now read the third time.

Whereupon the said bill was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 88 }  
{ NAYS 00 }

Those who voted in the affirmative are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Bachman     | Mr. Frisbee    | Mr. Preston         |
| Mr. Bagg        | Mr. Giffard    | Mr. Raymond         |
| Mr. Bailey      | Mr. D. Gould   | Mr. Rice            |
| Mr. Barber      | Mr. G. Goold   | Mr. Rogers          |
| Mr. Betts       | Mr. Gregory    | Mr. Russell         |
| Mr. Bevens      | Mr. Harris     | Mr. Sager           |
| Mr. Billings    | Mr. Hazelton   | Mr. Searing         |
| Mr. Bloss       | Mr. Heermans   | Mr. Sears           |
| Mr. Boughton    | Mr. Hervey     | Mr. Skelton         |
| Mr. Bowen       | Mr. Howard     | Mr. A. C. Smith     |
| Mr. J. Brooks   | Mr. Huntington | Mr. Speaker         |
| Mr. M. Brooks   | Mr. Johnson    | Mr. J. Stevenson    |
| Mr. L. H. Brown | Mr. Kinne      | Mr. Strobbridge     |
| Mr. Bunker      | Mr. Knapp      | Mr. Sweeney         |
| Mr. Burdick     | Mr. D. Lee     | Mr. Tefft           |
| Mr. Bush        | Mr. T. R. Lee  | Mr. Thayer          |
| Mr. Carpenter   | Mr. Litchfield | Mr. Thompson        |
| Mr. Casner      | Mr. Long       | Mr. Titus           |
| Mr. Chase       | Mr. M'Carthy   | Mr. Tuthill         |
| Mr. Coe         | Mr. M'Donald   | Mr. Van Schoonhoven |
| Mr. Collins     | Mr. M'Key      | Mr. Walrath         |
| Mr. Comstock    | Mr. M'Vean     | Mr. Wells           |
| Mr. Crain       | Mr. Mann       | Mr. Wheeler         |



|                  |                  |                 |
|------------------|------------------|-----------------|
| Mr. C. F. Crosby | Mr. C. B. Miller | Mr. White       |
| Mr. Culver       | Mr. S. Miller    | Mr. Whitney     |
| Mr. Danforth     | Mr. Morrison     | Mr. Wilcox      |
| Mr. Dewey        | Mr. Moulton      | Mr. Wyckoff     |
| Mr. Fellows      | Mr. Niven        | Mr. Wynant      |
| Mr. Field        | Mr. Porter       | Mr. A. W. Young |
| Mr. Fonda        |                  |                 |

88

*Ordered,* That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to renew and extend an act passed February 23d, 1839, incorporating the American Atlantic Steam Navigation Company," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 87 }  
{ NAYS 01 }

Those who voted in the affirmative are

|                  |                  |                  |
|------------------|------------------|------------------|
| Mr. Bachman      | Mr. Fonda        | Mr. Porter       |
| Mr. Bagg         | Mr. Frisbee      | Mr. Preston      |
| Mr. Bailey       | Mr. Giffard      | Mr. Raymond      |
| Mr. Barber       | Mr. D. Gould     | Mr. Rice         |
| Mr. Betts        | Mr. G. Goold     | Mr. Rogers       |
| Mr. Bevens       | Mr. Gregory      | Mr. Russell      |
| Mr. Billings     | Mr. Hammond      | Mr. Sager        |
| Mr. Bloss        | Mr. Harris       | Mr. Searing      |
| Mr. Boughton     | Mr. Heermans     | Mr. Sears        |
| Mr. Bowen        | Mr. Hervey       | Mr. Skelton      |
| Mr. J. Brooks    | Mr. Howard       | Mr. A. C. Smith  |
| Mr. M. Brooks    | Mr. Huntington   | Mr. Speaker      |
| Mr. L. H. Brown  | Mr. Johnson      | Mr. J. Stevenson |
| Mr. Bunker       | Mr. Kinne        | Mr. Strobbridge  |
| Mr. Burdick      | Mr. Knapp        | Mr. Sweeney      |
| Mr. Bush         | Mr. D. Lee       | Mr. Tefft        |
| Mr. Carpenter    | Mr. T. R. Lee    | Mr. Thayer       |
| Mr. Casner       | Mr. Litchfield   | Mr. Thompson     |
| Mr. Chase        | Mr. Long         | Mr. Tibbits      |
| Mr. Coe          | Mr. M'Carthy     | Mr. Titus        |
| Mr. Collins      | Mr. M'Donald     | Mr. Tuthill      |
| Mr. Comstock     | Mr. M'Key        | Mr. Wells        |
| Mr. Crain        | Mr. Mann         | Mr. Wheeler      |
| Mr. C. F. Crosby | Mr. Mather       | Mr. White        |
| Mr. Culver       | Mr. C. B. Miller | Mr. Whitney      |
| Mr. Danforth     | Mr. S. Miller    | Mr. Wilcox       |
| Mr. Dewey        | Mr. Morrison     | Mr. Wyckoff      |
| Mr. Fellows      | Mr. Moulton      | Mr. Wynant       |
| Mr. Field        | Mr. Niven        | Mr. A. W. Young  |

87

For the negative,

Mr. Hazelton

1

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The hour of twelve o'clock having arrived,

The Chair announced the special order of the House, being the consideration of the bill entitled "An act reducing the rate of interest of money."

On motion of Mr. Fonda,

*Ordered*, That the said special order be laid on the table.

The engrossed bill entitled "An act concerning attachments against absconding and non-resident debtors," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill from the Senate, entitled "An act in relation to the trustees of the Third Presbyterian Society of the city of Albany," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 86 }  
{ NAYS 00 }

Those who voted in the affirmative are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Bachman     | Mr. Frisbee    | Mr. Porter          |
| Mr. Bagg        | Mr. Giffard    | Mr. Preston         |
| Mr. Bailey      | Mr. D. Gould   | Mr. Raymond         |
| Mr. Barber      | Mr. G. Goold   | Mr. Rice            |
| Mr. Betts       | Mr. Hammond    | Mr. Rogers          |
| Mr. Bevins      | Mr. Harris     | Mr. Russell         |
| Mr. Billings    | Mr. Hazelton   | Mr. Sager           |
| Mr. Bloss       | Mr. Heermans   | Mr. Skelton         |
| Mr. Boughton    | Mr. Hervey     | Mr. A. C. Smith     |
| Mr. Bowen       | Mr. Horton     | Mr. Speaker         |
| Mr. J. Brooks   | Mr. Howard     | Mr. J. Stevenson    |
| Mr. M. Brooks   | Mr. Huntington | Mr. Strobbridge     |
| Mr. L. H. Brown | Mr. Johnson    | Mr. Sweeney         |
| Mr. Bunker      | Mr. Kinne      | Mr. Tefft           |
| Mr. Burdick     | Mr. Knapp      | Mr. Thayer          |
| Mr. Bush        | Mr. D. Lee     | Mr. Thompson        |
| Mr. Carpenter   | Mr. T. R. Lee  | Mr. Tibbits         |
| Mr. Casner      | Mr. Litchfield | Mr. Titus           |
| Mr. Chase       | Mr. Long       | Mr. Tutbill         |
| Mr. Coe         | Mr. M'Carthy   | Mr. Van Schoonhoven |

|                  |                  |                 |
|------------------|------------------|-----------------|
| Mr. Collins      | Mr. M'Donald     | Mr. Wells       |
| Mr. Comstock     | Mr. M'Key        | Mr. Wheeler     |
| Mr. C. F. Crosby | Mr. Mann         | Mr. White       |
| Mr. Culver       | Mr. Mather       | Mr. Whitney     |
| Mr. Danforth     | Mr. C. B. Miller | Mr. Wilcox      |
| Mr. Dewey        | Mr. S. Miller    | Mr. Wyckoff     |
| Mr. Fellows      | Mr. Morrison     | Mr. Wynant      |
| Mr. Field        | Mr. Moulton      | Mr. A. W. Young |
| Mr. Fonda        | Mr. Niven        |                 |

86

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The engrossed bill from the Senate, entitled "An act in relation to the acknowledgment and proof of deeds and mortgages," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The engrossed bill entitled "An act to provide for the construction of a bridge at Massena in the county of St. Lawrence, by a tax upon the town," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill entitled "An act for the relief of Ray Clarke, Ethan Ray Clarke and Samuel Ward Clarke," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bills to the Senate, and request their concurrence in the same.

The engrossed bill from the Senate, entitled "An act to amend an act entitled 'An act to incorporate the Albany Gas Light Company,'" was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

} AYES 86 }  
 } NAYS 00 }

Those who voted in the affirmative are

|              |              |             |
|--------------|--------------|-------------|
| Mr. Bachman  | Mr. Giffard  | Mr. Porter  |
| Mr. Bagg     | Mr. D. Gould | Mr. Preston |
| Mr. Bailey   | Mr. G. Goold | Mr. Raymond |
| Mr. Barber   | Mr. Gregory  | Mr. Rice    |
| Mr. Betts    | Mr. Hammond  | Mr. Rogers  |
| Mr. Bevens   | Mr. Harris   | Mr. Russell |
| Mr. Billings | Mr. Hazelton | Mr. Sager   |
| Mr. Bloss    | Mr. Heermans | Mr. Searing |
| Mr. Boughton | Mr. Hervey   | Mr. Sears   |
| Mr. Bowen    | Mr. Horton   | Mr. Skelton |

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. J. Brooks    | Mr. Howard       | Mr. A. C. Smith     |
| Mr. M. Brooks    | Mr. Huntington   | Mr. Speaker         |
| Mr. L. H. Brown  | Mr. Johnson      | Mr. J. Stevenson    |
| Mr. Bunker       | Mr. Kinne        | Mr. Strobbridge     |
| Mr. Burdick      | Mr. Knapp        | Mr. Sweeney         |
| Mr. Bush         | Mr. D. Lee       | Mr. Thayer          |
| Mr. Carpenter    | Mr. T. R. Lee    | Mr. Thompson        |
| Mr. Casner       | Mr. Litchfield   | Mr. Tibbits         |
| Mr. Chase        | Mr. Long         | Mr. Titus           |
| Mr. Coe          | Mr. M'Carthy     | Mr. Tuthill         |
| Mr. Collins      | Mr. M'Donald     | Mr. Van Schoonhoven |
| Mr. Crain        | Mr. M'Key        | Mr. Wells           |
| Mr. C. F. Crosoy | Mr. Mann         | Mr. White           |
| Mr. Culver       | Mr. Mather       | Mr. Whitney         |
| Mr. Danforth     | Mr. C. B. Miller | Mr. Wilcox          |
| Mr. Dewey        | Mr. S. Miller    | Mr. Wyckoff         |
| Mr. Fellows      | Mr. Morrison     | Mr. Wynant          |
| Mr. Field        | Mr. Moulton      | Mr. A. W. Young     |
| Mr. Frisbee      | Mr. Newkirk      |                     |

86

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The engrossed bill entitled "An act to amend an act entitled 'An act to consolidate and amend the act to incorporate the city of Rochester,' passed April 11th, 1844," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

{ AYES 86 }  
{ NAYS 00 }

Those who voted in the affirmative are

|                 |                |                  |
|-----------------|----------------|------------------|
| Mr. Bachman     | Mr. G. Goold   | Mr. Preston      |
| Mr. Bagg        | Mr. Gregory    | Mr. Raymond      |
| Mr. Barber      | Mr. Hammond    | Mr. Rice         |
| Mr. Betts       | Mr. Harris     | Mr. Rogers       |
| Mr. Bevens      | Mr. Hazelton   | Mr. Russell      |
| Mr. Billings    | Mr. Heermans   | Mr. Sager        |
| Mr. Bloss       | Mr. Hervey     | Mr. Searing      |
| Mr. Boughton    | Mr. Horton     | Mr. Sears        |
| Mr. Bowen       | Mr. Howard     | Mr. Skelton      |
| Mr. J. Brooks   | Mr. Huntington | Mr. A. C. Smith  |
| Mr. M. Brooks   | Mr. Johnson    | Mr. Speaker      |
| Mr. L. H. Brown | Mr. Kinne      | Mr. J. Stevenson |
| Mr. Bunker      | Mr. Knapp      | Mr. Strobbridge  |
| Mr. Burdick     | Mr. D. Lee     | Mr. Sweeney      |
| Mr. Bush        | Mr. T. R. Lee  | Mr. Thayer       |



|               |                  |                     |
|---------------|------------------|---------------------|
| Mr. Carpenter | Mr. Litchfield   | Mr. Thompson        |
| Mr. Casner    | Mr. Long         | Mr. Tibbits         |
| Mr. Chase     | Mr. M'Carthy     | Mr. Titus           |
| Mr. Coe       | Mr. M'Donald     | Mr. Tutbill         |
| Mr. Collins   | Mr. M'Key        | Mr. Van Schoonhoven |
| Mr. Crain     | Mr. Mann         | Mr. Wells           |
| Mr. Danforth  | Mr. Mather       | Mr. Wheeler         |
| Mr. De Puy    | Mr. C. B. Miller | Mr. White           |
| Mr. Dewey     | Mr. S. Miller    | Mr. Whitney         |
| Mr. Fellows   | Mr. Morrison     | Mr. Wilcox          |
| Mr. Field     | Mr. Moulton      | Mr. Wyckoff         |
| Mr. Fonda     | Mr. Newkirk      | Mr. Wynant          |
| Mr. Frisbee   | Mr. Niven        | Mr. A. W. Young     |
| Mr. D. Gould  | Mr. Porter       |                     |

86

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act for the relief of Calvin T. Chamberlain," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act in relation to the ferry at Black-rock," was read the third time.

Mr. Chase moved that the question on the final passage of the said bill be laid on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Chase, and it was determined in the affirmative.

The engrossed bill entitled "An act to change the name of Samuel G. Chafee," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to incorporate the Buffalo and Lancaster Plank Road Company," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 87 | } |
| { | NAYS   | 01 | } |
| { | ABSENT | 40 | } |

Those who voted in the affirmative are

|             |              |             |
|-------------|--------------|-------------|
| Mr. Bachman | Mr. Frisbee  | Mr. Raymond |
| Mr. Bagg    | Mr. D. Gould | Mr. Rice    |
| Mr. Bailey  | Mr. G. Gould | Mr. Rogers  |
| Mr. Barber  | Mr. Gregory  | Mr. Russell |

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Betts        | Mr. Hammond      | Mr. Sager           |
| Mr. Bevens       | Mr. Harris       | Mr. Searing         |
| Mr. Billings     | Mr. Heermans     | Mr. Sears           |
| Mr. Bloss        | Mr. Hervey       | Mr. Skelton         |
| Mr. Boughton     | Mr. Horton       | Mr. A. C. Smith     |
| Mr. Bowen        | Mr. Howard       | Mr. Speaker         |
| Mr. J. Brooks    | Mr. Huntington   | Mr. J. Stevenson    |
| Mr. M. Brooks    | Mr. Johnson      | Mr. Strobbridge     |
| Mr. L. H. Brown  | Mr. Kinne        | Mr. Sweeney         |
| Mr. Bunker       | Mr. Knapp        | Mr. Tefft           |
| Mr. Burdick      | Mr. D. Lee       | Mr. Thayer          |
| Mr. Carpenter    | Mr. T. R. Lee    | Mr. Thompson        |
| Mr. Casner       | Mr. Litchfield   | Mr. Tibbits         |
| Mr. Chase        | Mr. Long         | Mr. Titus           |
| Mr. Coe          | Mr. M'Carthy     | Mr. Tuthill         |
| Mr. Collins      | Mr. M'Donald     | Mr. Van Schoonhoven |
| Mr. Crain        | Mr. M'Key        | Mr. Van Valkenburgh |
| Mr. C. F. Crosby | Mr. Mann         | Mr. Wells           |
| Mr. Culver       | Mr. Mather       | Mr. Wheeler         |
| Mr. Danforth     | Mr. C. B. Miller | Mr. White           |
| Mr. De Puy       | Mr. S. Miller    | Mr. Whitney         |
| Mr. Dewey        | Mr. Morrison     | Mr. Wilcox          |
| Mr. Fellows      | Mr. Moulton      | Mr. Wyckoff         |
| Mr. Field        | Mr. Porter       | Mr. Wynant          |
| Mr. Fonda        | Mr. Preston      | Mr. A. W. Young 87  |

For the negative,

Mr. Hazelton

1

Those who were absent are

|                 |               |                     |
|-----------------|---------------|---------------------|
| Mr. Blake       | Mr. Garretson | Mr. Niven           |
| Mr. Brower      | Mr. Gifford   | Mr. Oakley          |
| Mr. S. A. Brown | Mr. Hall      | Mr. Pardee          |
| Mr. A. H. Buell | Mr. Hannum    | Mr. Pierce          |
| Mr. T. Buel     | Mr. Harden    | Mr. Ross            |
| Mr. Bush        | Mr. Hine      | Mr. Salisbury       |
| Mr. Cameron     | Mr. Hunt      | Mr. Sherman         |
| Mr. Comstock    | Mr. Jarvis    | Mr. W. Smith        |
| Mr. Constant    | Mr. Jones     | Mr. Spring          |
| Mr. E. Crosby   | Mr. M'Vean    | Mr. R. L. Stevenson |
| Mr. Dayton      | Mr. Mersereau | Mr. Walrath         |
| Mr. Dickson     | Mr. Morris    | Mr. Worden          |
| Mr. Edwards     | Mr. Newkirk   | Mr. J. Young        |
| Mr. Fenn        |               |                     |

40

*Ordered,* That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to authorise the supervisors of

the county of Schoharie to levy a tax upon the town of Carlisle, for the relief of James Dana, William Youngs and David A. Richtmyer," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill entitled "An act to compensate district school librarians," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bills to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to incorporate the Hudson Orphan and Relief Association," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 87 | } |
| { | NAYS   | 00 | } |
| { | ABSENT | 41 | } |

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Frisbee      | Mr. Preston         |
| Mr. Bagg         | Mr. D. Gould     | Mr. Raymond         |
| Mr. Bailey       | Mr. G. Gould     | Mr. Rice            |
| Mr. Barber       | Mr. Gregory      | Mr. Rogers          |
| Mr. Betts        | Mr. Hammond      | Mr. Russell         |
| Mr. Bevens       | Mr. Harris       | Mr. Sager           |
| Mr. Bloss        | Mr. Hazelton     | Mr. Searing         |
| Mr. Boughton     | Mr. Heermans     | Mr. Sears           |
| Mr. Bowen        | Mr. Hervey       | Mr. Skelton         |
| Mr. J. Brooks    | Mr. Howard       | Mr. A. C. Smith     |
| Mr. M. Brooks    | Mr. Huntington   | Mr. Speaker         |
| Mr. L. H. Brown  | Mr. Johnson      | Mr. J. Stevenson    |
| Mr. Bunker       | Mr. Kinne        | Mr. Strobbridge     |
| Mr. Burdick      | Mr. Knapp        | Mr. Sweeney         |
| Mr. Bush         | Mr. D. Lee       | Mr. Tefft           |
| Mr. Carpenter    | Mr. T. R. Lee    | Mr. Thayer          |
| Mr. Casner       | Mr. Litchfield   | Mr. Tibbits         |
| Mr. Chase        | Mr. Long         | Mr. Titus           |
| Mr. Coe          | Mr. M'Carthy     | Mr. Tuthill         |
| Mr. Collins      | Mr. M'Donald     | Mr. Van Schoonhoven |
| Mr. Crain        | Mr. M'Key        | Mr. Van Valkenburgh |
| Mr. C. F. Crosby | Mr. Mather       | Mr. Wells           |
| Mr. Culver       | Mr. C. B. Miller | Mr. Wheeler         |
| Mr. Danforth     | Mr. S. Miller    | Mr. White           |
| Mr. De Puy       | Mr. Morrison     | Mr. Whitney         |
| Mr. Dewey        | Mr. Moulton      | Mr. Wilcox          |
| Mr. Fellows      | Mr. Newkirk      | Mr. Wyckoff         |
| Mr. Field        | Mr. Niven        | Mr. Wynant          |
| Mr. Fonda        | Mr. Porter       | Mr. A. W. Young     |

Those who were absent are

|                 |               |                     |
|-----------------|---------------|---------------------|
| Mr. Billings    | Mr. Garretson | Mr. Oakley          |
| Mr. Blake       | Mr. Giffard   | Mr. Pardee          |
| Mr. Brower      | Mr. Hall      | Mr. Pierce          |
| Mr. S. A. Brown | Mr. Hannum    | Mr. Ross            |
| Mr. A. H. Buell | Mr. Harden    | Mr. Salisbury       |
| Mr. T. Buel     | Mr. H. ne     | Mr. Sherman         |
| Mr. Cameron     | Mr. Horton    | Mr. W. Smith        |
| Mr. Comstock    | Mr. Hunt      | Mr. Spring          |
| Mr. Constant    | Mr. Jarvis    | Mr. R. L. Stevenson |
| Mr. E. Crosby   | Mr. Jones     | Mr. Thompson        |
| Mr. Dayton      | Mr. M'Vean    | Mr. Walrath         |
| Mr. Dickson     | Mr. Mann      | Mr. Worden          |
| Mr. Edwards     | Mr. Mersereau | Mr. J. Young        |
| Mr. Fenn        | Mr. Morris    |                     |

41

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. Coe moved that the names of members who were absent on the passage of the above bill, and all two-third bills hereafter passed, and who were not absent on leave or excused from voting, be published, under the direction of the Clerk, in the State paper.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Coe, and it was determined in the negative.

The engrossed bill entitled "An act to provide for laying out and constructing a road through the Highlands, from Croton bridge in the county of Westchester, to Fishkill landing in the county of Dutchess," was read the third time.

Mr. Chase moved that the question on the final passage of the said bill be laid on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Chase, and it was determined in the affirmative.

The engrossed bill entitled "An act to confirm the official acts of Samuel K. Wolcott as a justice of the peace," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. Bagg, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act relative to the village of Syracuse," and found the same correctly engrossed.

*Ordered*, That the said bill do have its third reading.

The engrossed bill entitled "An act to amend an act to provide for building bridges over Oak-orchard and Marsh creeks, at or near the junction of said creeks in the town of Carlton in the county of Orleans, passed March 21st, 1844," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to amend an act entitled 'An act [ASSEMBLY JOURNAL.]



to incorporate the Mutual Insurance Company of Buffalo,' " was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the negative; less than two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit:

|   |        |    |
|---|--------|----|
| { | AYES   | 78 |
| { | NAYS   | 05 |
| { | ABSENT | 45 |

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Gregory      | Mr. Russell         |
| Mr. Barber       | Mr. Hammond      | Mr. Sager           |
| Mr. Betts        | Mr. Harris       | Mr. Searing         |
| Mr. Bevens       | Mr. Howard       | Mr. Sears           |
| Mr. Billings     | Mr. Huntington   | Mr. Skelton         |
| Mr. Bloss        | Mr. Johnson      | Mr. A. C. Smith     |
| Mr. Boughton     | Mr. Kinne        | Mr. Speaker         |
| Mr. Bowen        | Mr. Knapp        | Mr. J. Stevenson    |
| Mr. J. Brooks    | Mr. D. Lee       | Mr. Strobbridge     |
| Mr. M. Brooks    | Mr. T. R. Lee    | Mr. Sweeney         |
| Mr. L. H. Brown  | Mr. Litchfield   | Mr. Tefft           |
| Mr. Burdick      | Mr. Long         | Mr. Thayer          |
| Mr. Bush         | Mr. M'Carthy     | Mr. Thompson        |
| Mr. Casner       | Mr. M'Donald     | Mr. Tibbits         |
| Mr. Coe          | Mr. M'Key        | Mr. Titus           |
| Mr. Collins      | Mr. Mann         | Mr. Tuthill         |
| Mr. C. F. Crosby | Mr. Mather       | Mr. Van Schoonhoven |
| Mr. Culver       | Mr. C. B. Miller | Mr. Van Valkenburgh |
| Mr. De Puy       | Mr. S. Miller    | Mr. Wells           |
| Mr. Dewey        | Mr. Morrison     | Mr. Wheeler         |
| Mr. Fellows      | Mr. Moulton      | Mr. White           |
| Mr. Field        | Mr. Porter       | Mr. Whitney         |
| Mr. Fonda        | Mr. Preston      | Mr. Wilcox          |
| Mr. Frisbee      | Mr. Raymond      | Mr. Wyckoff         |
| Mr. D. Gould     | Mr. Rice         | Mr. Wynant          |
| Mr. G. Goold     | Mr. Rogers       | Mr. A. W. Young 78  |

Those who voted in the negative are

|               |           |              |
|---------------|-----------|--------------|
| Mr. Bailey    | Mr. Chase | Mr. Hazelton |
| Mr. Carpenter | Mr. Crain | 5            |

Those who were absent are

|            |               |             |
|------------|---------------|-------------|
| Mr. Bagg   | Mr. Fenn      | Mr. Morris  |
| Mr. Blake  | Mr. Garretson | Mr. Newkirk |
| Mr. Brower | Mr. Giffard   | Mr. Niven   |

|                 |               |                     |
|-----------------|---------------|---------------------|
| Mr. S. A. Brown | Mr. Hall      | Mr. Oakley          |
| Mr. A. H. Buell | Mr. Hannum    | Mr. Pardee          |
| Mr. T. Buel     | Mr. Harden    | Mr. Pierce          |
| Mr. Bunker      | Mr. Heermans  | Mr. Ross            |
| Mr. Cameron     | Mr. Hervey    | Mr. Salisbury       |
| Mr. Comstock    | Mr. Hine      | Mr. Sherman         |
| Mr. Constant    | Mr. Horton    | Mr. W. Smith        |
| Mr. E. Crosby   | Mr. Hunt      | Mr. Spring          |
| Mr. Danforth    | Mr. Jarvis    | Mr. R. L. Stevenson |
| Mr. Dayton      | Mr. Jones     | Mr. Walrath         |
| Mr. Dickson     | Mr. M'Vean    | Mr. Worden          |
| Mr. Edwards     | Mr. Mersereau | Mr. J. Young        |

45

Mr. Bailey moved a reconsideration of the vote on the final passage of the said bill.

*Ordered*, That the said motion be laid on the table.

Mr. T. R. Lee moved that the House adjourn.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. T. R. Lee, and it was determined in the negative.

|   |        |    |
|---|--------|----|
| { | AYES   | 24 |
|   | NAYS   | 59 |
|   | ABSENT | 45 |

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Betts        | Mr. Hammond    | Mr. Searing         |
| Mr. L. H. Brown  | Mr. Howard     | Mr. Skelton         |
| Mr. Carpenter    | Mr. T. R. Lee  | Mr. J. Stevenson    |
| Mr. C. F. Crosby | Mr. Litchfield | Mr. Thayer          |
| Mr. Danforth     | Mr. Mather     | Mr. Tuthill         |
| Mr. Dewey        | Mr. Porter     | Mr. Van Valkenburgh |
| Mr. Fellows      | Mr. Rice       | Mr. Wells           |
| Mr. D. Gould     | Mr. Russell    | Mr. White           |

24

Those who voted in the negative are

|               |                |                 |
|---------------|----------------|-----------------|
| Mr. Bachman   | Mr. Fonda      | Mr. Preston     |
| Mr. Bagg      | Mr. Frisbee    | Mr. Raymond     |
| Mr. Bailey    | Mr. G. Gould   | Mr. Rogers      |
| Mr. Barber    | Mr. Gregory    | Mr. Sager       |
| Mr. Bevens    | Mr. Harris     | Mr. Sears       |
| Mr. Billings  | Mr. Hazelton   | Mr. A. C. Smith |
| Mr. Bloss     | Mr. Heermans   | Mr. Speaker     |
| Mr. Boughton  | Mr. Hervey     | Mr. Strobridge  |
| Mr. Bowen     | Mr. Huntington | Mr. Sweeney     |
| Mr. J. Brooks | Mr. Johnson    | Mr. Tefft       |
| Mr. M. Brooks | Mr. Kinne      | Mr. Thompson    |

|             |                  |                     |
|-------------|------------------|---------------------|
| Mr. Burdick | Mr. Knapp        | Mr. Tibbits         |
| Mr. Bush    | Mr. D. Lee       | Mr. Titus           |
| Mr. Casner  | Mr. M'Carthy     | Mr. Van Schoonhoven |
| Mr. Chase   | Mr. M'Donald     | Mr. Wheeler         |
| Mr. Coe     | Mr. M'Key        | Mr. Whitney         |
| Mr. Collins | Mr. C. B. Miller | Mr. Wyckoff         |
| Mr. Culver  | Mr. S. Miller    | Mr. Wynant          |
| Mr. De Puy  | Mr. Morrison     | Mr. A. W. Young     |
| Mr. Field   | Mr. Moulton      |                     |

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Those who were absent are

|                 |               |                     |
|-----------------|---------------|---------------------|
| Mr. Blake       | Mr. Garretson | Mr. Newkirk         |
| Mr. Brower      | Mr. Gifford   | Mr. Niven           |
| Mr. S. A. Brown | Mr. Hall      | Mr. Oakley          |
| Mr. A. H. Buell | Mr. Hannum    | Mr. Pardee          |
| Mr. T. Buel     | Mr. Harden    | Mr. Pierce          |
| Mr. Bunker      | Mr. Hine      | Mr. Ross            |
| Mr. Cameron     | Mr. Horton    | Mr. Salisbury       |
| Mr. Comstock    | Mr. Hunt      | Mr. Sherman         |
| Mr. Constant    | Mr. Jarvis    | Mr. W. Smith        |
| Mr. Crain       | Mr. Jones     | Mr. Spring          |
| Mr. E. Crosby   | Mr. Long      | Mr. R. L. Stevenson |
| Mr. Dayton      | Mr. M'Vean    | Mr. Walrath         |
| Mr. Dickson     | Mr. Mann      | Mr. Wilcox          |
| Mr. Edwards     | Mr. Mersereau | Mr. Worden          |
| Mr. Fenn        | Mr. Morris    | Mr. J. Young        |

45

Mr. Huntington moved that the House take a recess until half past three o'clock this afternoon.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Huntington, and it was determined in the affirmative.

|   |        |    |
|---|--------|----|
| { | AYES   | 46 |
|   | NAYS   | 42 |
|   | ABSENT | 40 |

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|              |              |                |
|--------------|--------------|----------------|
| Mr. Bachman  | Mr. Collins  | Mr. Moulton    |
| Mr. Bagg     | Mr. Culver   | Mr. Raymond    |
| Mr. Bailey   | Mr. De Puy   | Mr. Rogers     |
| Mr. Barber   | Mr. Dewey    | Mr. Speaker    |
| Mr. Betts    | Mr. Fonda    | Mr. Sirobridge |
| Mr. Bevins   | Mr. Frisbee  | Mr. Sweeney    |
| Mr. Billings | Mr. D. Gould | Mr. Tefft      |
| Mr. Bloss    | Mr. G. Goold | Mr. Thompson   |
| Mr. Boughton | Mr. Gregory  | Mr. Tibbits    |

|               |                |                 |
|---------------|----------------|-----------------|
| Mr. Bowen     | Mr. Harris     | Mr. Titus       |
| Mr. J. Brooks | Mr. Heermans   | Mr. Wheeler     |
| Mr. M. Brooks | Mr. Huntington | Mr. Whitney     |
| Mr. Bush      | Mr. D. Lee     | Mr. Wilcox      |
| Mr. Casner    | Mr. M'Key      | Mr. Wyckoff     |
| Mr. Chase     | Mr. Morrison   | Mr. A. W. Young |
| Mr. Coe       |                |                 |

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Those who voted in the negative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. L. H. Brown  | Mr. Knapp        | Mr. Russell         |
| Mr. Burdick      | Mr T. R. Lee     | Mr. Sager           |
| Mr. Carpenter    | Mr. Litchfield   | Mr. Searing         |
| Mr. Crain        | Mr. Long         | Mr. Sears           |
| Mr. C. F. Crosby | Mr. M'Carthy     | Mr. Skelton         |
| Mr. Danforth     | Mr. M'Donald     | Mr. A. C. Smith     |
| Mr. Fellows      | Mr. Mann         | Mr. J. Stevenson    |
| Mr. Field        | Mr. Mather       | Mr. Thayer          |
| Mr. Hammond      | Mr. C. B. Miller | Mr. Tuthill         |
| Mr. Hazelton     | Mr. S. Miller    | Mr. Van Schoonhoven |
| Mr. Hervey       | Mr. Niven        | Mr. Van Valkenburgh |
| Mr. Howard       | Mr. Porter       | Mr. Wells           |
| Mr. Johnson      | Mr. Preston      | Mr. White           |
| Mr. Kinne        | Mr. Rice         | Mr. Wynant          |

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Those who were absent are

|                 |               |                     |
|-----------------|---------------|---------------------|
| Mr. Blake       | Mr. Garretson | Mr. Newkirk         |
| Mr. Brower      | Mr. Giffard   | Mr. Oakley          |
| Mr. S. A. Brown | Mr. Hall      | Mr. Pardee          |
| Mr. A. H. Buell | Mr. Hannum    | Mr. Pierce          |
| Mr. T. Buel     | Mr. Harden    | Mr. Ross            |
| Mr. Bunker      | Mr. Hine      | Mr. Salisbury       |
| Mr. Cameron     | Mr. Horton    | Mr. Sherman         |
| Mr. Comstock    | Mr. Hunt      | Mr. W. Smith        |
| Mr. Constant    | Mr. Jarvis    | Mr. Spring          |
| Mr. E. Crosby   | Mr. Jones     | Mr. R. L. Stevenson |
| Mr. Dayton      | Mr. M'Vean    | Mr. Walrath         |
| Mr. Dickson     | Mr. Mersereau | Mr. Worden          |
| Mr. Edwards     | Mr. Morris    | Mr. J. Young        |
| Mr. Fenn        |               |                     |

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The House then took a recess until half past three o'clock this afternoon.



## HALF PAST THREE O'CLOCK, P. M.

The House again met.

The engrossed bill from the Senate, entitled "An act requiring certain commissioners under an act of May 26th, 1841, and the acts amendatory thereto, to drain certain lands in the county of Jefferson, to render an account," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 69 | } |
| { | NAYS   | 00 | } |
| { | ABSENT | 59 | } |

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. D. Gould     | Mr. Russell         |
| Mr. Bagg         | Mr. G. Goold     | Mr. Searing         |
| Mr. Bailey       | Mr. Harris       | Mr. Skelton         |
| Mr. Barber       | Mr. Hazelton     | Mr. A. C. Smith     |
| Mr. Bevens       | Mr. Horton       | Mr. Speaker         |
| Mr. Bloss        | Mr. Huntington   | Mr. J. Stevenson    |
| Mr. Boughton     | Mr. Johnson      | Mr. Strobidge       |
| Mr. Bowen        | Mr. Kinne        | Mr. Sweeney         |
| Mr. M. Brooks    | Mr. T. R. Lee    | Mr. Tefft           |
| Mr. Burdick      | Mr. Litchfield   | Mr. Thayer          |
| Mr. Carpenter    | Mr. M'Carthy     | Mr. Thompson        |
| Mr. Chase        | Mr. M'Donald     | Mr. Tibbits         |
| Mr. Coe          | Mr. Mather       | Mr. Titus           |
| Mr. Collins      | Mr. C. B. Miller | Mr. Tutbill         |
| Mr. Crain        | Mr. S. Miller    | Mr. Van Schoonhoven |
| Mr. C. F. Crosby | Mr. Morrison     | Mr. Wells           |
| Mr. Culver       | Mr. Moulton      | Mr. Wheeler         |
| Mr. Danforth     | Mr. Niven        | Mr. White           |
| Mr. Dewey        | Mr. Porter       | Mr. Whitney         |
| Mr. Fellows      | Mr. Preston      | Mr. Wilcox          |
| Mr. Field        | Mr. Raymond      | Mr. Wyckoff         |
| Mr. Fonda        | Mr. Rice         | Mr. Wynant          |
| Mr. Frisbee      | Mr. Rogers       | Mr. A. W. Young 69  |

Those who were absent are

|               |               |               |
|---------------|---------------|---------------|
| Mr. Betts     | Mr. Fenn      | Mr. Mann      |
| Mr. Billings  | Mr. Garretson | Mr. Mersereau |
| Mr. Blake     | Mr. Giffard   | Mr. Morris    |
| Mr. J. Brooks | Mr. Gregory   | Mr. Newkirk   |

|                 |              |                     |
|-----------------|--------------|---------------------|
| Mr. Brower      | Mr. Hall     | Mr. Oakley          |
| Mr. L. H. Brown | Mr. Hammond  | Mr. Pardee          |
| Mr. S. A. Brown | Mr. Hannum   | Mr. Pierce          |
| Mr. A. H. Buell | Mr. Harden   | Mr. Ross            |
| Mr. T. Buel     | Mr. Heermans | Mr. Sager           |
| Mr. Bunker      | Mr. Hervey   | Mr. Salisbury       |
| Mr. Bush        | Mr. Hine     | Mr. Sears           |
| Mr. Cameron     | Mr. Howard   | Mr. Sherman         |
| Mr. Casner      | Mr. Hunt     | Mr. W. Smith        |
| Mr. Comstock    | Mr. Jarvis   | Mr. Spring          |
| Mr. Constant    | Mr. Jones    | Mr. R. L. Stevenson |
| Mr. E. Crosby   | Mr. Knapp    | Mr. Van Valkenburgh |
| Mr. Dayton      | Mr. D. Lee   | Mr. Walrath         |
| Mr. De Puy      | Mr. Long     | Mr. Worden          |
| Mr. Dickson     | Mr. M'Key    | Mr. J. Young        |
| Mr. Edwards     | Mr. M'Vean   |                     |

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*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

*Ordered*, That Mr. C. F. Crosby have leave of absence for three days, Mr. Pardee for four days, Mr. Whitney for five days, Mr. Comstock for one day, Mr. Bailey for four days, Mr. Moulton for seven days, Mr. M'Vean for two days, Mr. Johnson for eight days, Mr. Sherman for seven days, Mr. Carpenter for three days, Mr. Niven for two days, Mr. Tuthill for three days, Mr. Wilcox for four days, Mr. Dewey for four days, Mr. Strobbridge for four days, Mr. Hammond for ten days, Mr. Mann for six days, and Mr. R. L. Stevenson for two days.

Mr. Bagg, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to extend the jurisdiction of the circuit judge of the first circuit, in hearing non-enumerated motions," and found the same correctly engrossed.

*Ordered*, That the said bill do have its third reading.

The engrossed bill entitled "An act authorising the laying out a road in the county of Westchester," was read the third time.

Debates were had thereon; when

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the negative.

Mr. Bailey moved to reconsider the vote on the final passage of the said bill.

Mr. Bailey also moved that the question on the reconsideration of the said vote be laid on the table.

Mr. Speaker put the question whether the House would agree to the last motion of Mr. Bailey, and it was determined in the affirmative.

The engrossed bill entitled "An act authorising the appointment of a police justice to reside in the village of Kingston," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill from the Senate, entitled "An act to punish and

prevent frauds in the use of false stamps and labels," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the negative.

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have rejected the same.

The engrossed bill entitled "An act to provide a seal for the court of oyer and terminer and general sessions of the peace in and for the city and county of New-York," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill entitled "An act to extend the jurisdiction of the circuit judge of the first circuit, in hearing non-enumerated motions," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill entitled "An act to authorise the reference of certain actions at law," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bills to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act in relation to the State Prison at Mountpleasant," was read the third time.

By unanimous consent,

Mr. Bowen moved to amend the said bill as follows, to wit :

After the word "employ," in the first line of the seventh section, erase the words "a chaplain for said prison, at a salary not exceeding five hundred dollars, and."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Bowen, and it was determined in the affirmative.

The said bill, as amended, was then again read.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.

The engrossed bill entitled "An act to annex lots nine and ten in Virgil, Cortland county, to Cortlandville in said county," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill entitled "An act to annex a part of the town of Busti to the town of Ellicott," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bills to the Senate, and request their concurrence in the same.

The engrossed bill from the Senate, entitled "An act to pay the guard of one hundred enlisted men for the protection of the jail in the city of Hudson," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill from the Senate, entitled "An act in relation to the Capitol," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk return the said bills to the Senate, and inform them that the Assembly have passed the same severally without amendment.

The engrossed bill entitled "An act relative to collector's fees in the town of Glenville, Schenectady county, and for other purposes," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill entitled "An act for draining the Bashaskill swamp," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill entitled "An act for the relief of Mary Murray and others," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bills to the Senate, and request their concurrence in the same.

The engrossed bill from the Senate, entitled "An act in relation to the powers of receivers and committees of lunatics and habitual drunkards," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill from the Senate, entitled "An act in relation to the recording of patents for lands in certain cases," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk return the said bills to the Senate, and inform them that the Assembly have passed the same severally without amendment.

The engrossed bill entitled "An act to prohibit the throwing or depositing in the Croton aqueduct, or either of the reservoirs, any dead animals, or other offensive matter or thing whatever," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act authorising the board of supervisors of the counties of Saratoga, Allegany, Essex, Oneida, Columbia, Ulster, Putnam and Dutchess, to restore the distinction between county and town poor," was read the third time.

By unanimous consent,

Mr. Wilcox moved to strike out the word "Saratoga," wherever the same occurs in the said bill and also in the title.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Wilcox, and it was determined in the affirmative.

By unanimous consent,

Mr. Bailey moved to strike out "the county of Putnam," wherever the same occurs in the said bill and also in the title.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Bailey, and it was determined in the affirmative.

Mr. Hervey moved that the question on the final passage of the said bill be laid on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Hervey, and it was determined in the negative.

The said bill, as amended, was then again read.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.



*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. Harris moved a reconsideration of the vote on the final passage of the bill from the Senate, entitled "An act to punish and prevent frauds in the use of false stamps and labels."

On motion of Mr. Harris,

*Ordered*, That the question on the reconsideration of the said vote be laid on the table.

The engrossed bill entitled "An act for the relief of Jacob Scramling," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill from the Senate, entitled "An act to confirm the official acts of Edward Huntington and John Tyler, overseers of the poor of the town of Dryden in the county of Tompkins," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill from the Senate, entitled "An act to amend an act entitled 'An act to improve the inlet of the Cayuga lake,'" was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk return the said bills to the Senate, and inform them that the Assembly have passed the same severally without amendment.

By unanimous consent,

Mr. T. R. Lee, from the select committee to which was referred the bill entitled "An act to improve the post road running from the Elephant hotel in the town of Somers, to the village of Peekskill," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

On motion of Mr. T. R. Lee,

The House then adjourned to ten o'clock on Monday morning next.

## MONDAY, APRIL 28, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Scudder.

The minutes of Saturday were read and approved.

The petition of P. Cagger and other members of the bar, praying for the passage of a law authorising the counsel for a person tried for crime to sum up last to the jury, was read, and referred to the committee on the judiciary.

The petition of sundry inhabitants of the county of Westchester, in relation to common schools, was read, and referred to the committee on colleges, academies and common schools.

The remonstrance of the members of the bar of the county of Ontario, against the passage of the bill to abolish the offices of the clerks of the Supreme Court, except in the city of Albany, was read, and ordered to be laid on the table.

The bill entitled "An act relative to the city of Brooklyn," was returned from the Senate.

*Ordered*, That the Clerk deliver the said bill to the Governor.

A message from the Senate, with the bill and amendments therein mentioned, was received and read, informing that the Senate had concurred in the amendments of the Assembly to the bill entitled "An act to provide for paying the debts of insolvent Safety fund banks," and amended the same accordingly.

The said amended bill having been examined,

*Ordered*, That the Clerk return the same to the Senate.

A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
Albany, April 26, 1845. }

TO THE ASSEMBLY.

I have this day approved and signed the bill entitled "An act to extend the charter of the West-Point Foundry Association."

SILAS WRIGHT.

By unanimous consent,

Mr. Hervey offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill entitled "An act in relation to stocks in monied corporations, held by the State, or by literary or charitable institutions," be ordered to be engrossed for a third reading.

Mr. T. R. Lee moved to amend the said resolution, by adding thereto the words "and that the bill entitled 'An act to authorise the rector, churchwardens and vestrymen of Christ Church in the town of Rye in the county of Westchester, to sell and convey real estate,' be taken from the general orders, and engrossed for a third reading."

Mr. Wheeler moved to amend the said motion of Mr. T. R. Lee, by

adding thereto the words "and that the bill entitled 'An act relative to taxes and jurors in the city of New-York,' be taken from the general orders, and ordered be engrossed for a third reading."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Wheeler, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to the said motion of Mr. T. R. Lee, as amended, and it was determined in the affirmative.

Whereupon,

Mr. Speaker put the question whether the House would agree to the said resolution, as amended, and it was determined in the affirmative.

Mr. Titus, from the committee on trade and manufactures, to which was referred the petition of Francis B. Cutting and other citizens of the city of New-York, praying for the incorporation of the New-York and Richmond Steam Ferry Company, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Titus accordingly brought in the said bill, entitled "An act incorporating the New-York and Richmond Steam Ferry Company;" which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. Morrison,

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Titus, from the committee on trade and manufactures, to which was referred the bill entitled "An act to amend, renew and continue in force an act to incorporate the Adirondack Iron and Steel Company, passed April 12th, 1839," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

By unanimous consent, on motion of Mr. Comstock,

*Resolved*, That the bill entitled "An act to incorporate the Rome Waterworks Company," be taken from the general orders, and referred to the committee on the incorporation of cities and villages, with instructions to report the same complete.

Mr. Oakley, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to provide for the construction of a railroad from Attica to Hornellsville;" and the bill entitled "An act to incorporate the Mutual Benefit Life Insurance Company," and found the same severally correctly engrossed.

*Ordered*, That the said bills do have their third reading.

By unanimous consent,

Mr. Fonda, from the committee on the militia and public defence, to which was referred the petition of the officers of the second division of infantry, in relation to the militia laws, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Fonda accordingly brought in the said bill, entitled "An act relative to the sixth brigade of artillery in Kings county;" which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. Fonda,

*Ordered*, That the said bill be engrossed for a third reading.

By unanimous consent, on motion of Mr. Thompson,

*Resolved*, That the bill from the Senate, entitled "An act in relation to the Marine Hospital and its funds," be taken from the general orders, and ordered to a third reading.

The Chair directed the roll to be called, to ascertain whether a quorum was in attendance ; when it appeared that the following members were present, to wit :

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. Gregory      | Mr. Preston         |
| Mr. Bagg        | Mr. Hannum       | Mr. Raymond         |
| Mr. Barber      | Mr. Harris       | Mr. Rogers          |
| Mr. Bevens      | Mr. Hazelton     | Mr. Ross            |
| Mr. Billings    | Mr. Hervey       | Mr. Russell         |
| Mr. Bloss       | Mr. Horton       | Mr. Searing         |
| Mr. Bowen       | Mr. Howard       | Mr. Skelton         |
| Mr. M. Brooks   | Mr. Huntington   | Mr. A. C. Smith     |
| Mr. L. H. Brown | Mr. Kinne        | Mr. Speaker         |
| Mr. Burdick     | Mr. Knapp        | Mr. J. Stevenson    |
| Mr. Bush        | Mr. D. Lee       | Mr. Strobridge      |
| Mr. Carpenter   | Mr. T. R. Lee    | Mr. Sweeney         |
| Mr. Chase       | Mr. Litchfield   | Mr. Tefft           |
| Mr. Coe         | Mr. Long         | Mr. Thayer          |
| Mr. Collins     | Mr. M'Carthy     | Mr. Thompson        |
| Mr. Comstock    | Mr. M'Donald     | Mr. Tibbits         |
| Mr. Danforth    | Mr. M'Key        | Mr. Titus           |
| Mr. Dewey       | Mr. Mather       | Mr. Van Schoonhoven |
| Mr. Dickson     | Mr. C. B. Miller | Mr. Walrath         |
| Mr. Fellows     | Mr. S. Miller    | Mr. Wells           |
| Mr. Field       | Mr. Morris       | Mr. Wheeler         |
| Mr. Fonda       | Mr. Morrison     | Mr. White           |
| Mr. Frisbee     | Mr. Newkirk      | Mr. Wyckoff         |
| Mr. D. Gould    | Mr. Oakley       | Mr. Wynant          |
| Mr. G. Goold    | Mr. Porter       | Mr. A. W. Young     |

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And that the following members were absent, to wit :

|                 |               |                     |
|-----------------|---------------|---------------------|
| Mr. Bailey      | Mr. De Puy    | Mr. Niven           |
| Mr. Beets       | Mr. Edwards   | Mr. Pardee          |
| Mr. Blake       | Mr. Fenn      | Mr. Pierce          |
| Mr. Boughton    | Mr. Garretson | Mr. Rice            |
| Mr. J. Brooks   | Mr. Giffard   | Mr. Sager           |
| Mr. Brower      | Mr. Hall      | Mr. Salisbury       |
| Mr. S. A. Brown | Mr. Hammond   | Mr. Sears           |
| Mr. A. H. Buell | Mr. Harden    | Mr. Sherman         |
| Mr. T. Buel     | Mr. Heermans  | Mr. W. Smith        |
| Mr. Bunker      | Mr. Hine      | Mr. Spring          |
| Mr. Cameron     | Mr. Hunt      | Mr. R. L. Stevenson |
| Mr. Casner      | Mr. Jarvis    | Mr. Tuthill         |



|                  |               |                     |
|------------------|---------------|---------------------|
| Mr. Constant     | Mr. Johnson   | Mr. Van Valkenburgh |
| Mr. Crain        | Mr. Jones     | Mr. Whitney         |
| Mr. C. F. Crosby | Mr. M'Vean    | Mr. Wilcox          |
| Mr. E. Crosby    | Mr. Mann      | Mr. Worden          |
| Mr. Culver       | Mr. Mersereau | Mr. J. Young        |
| Mr. Dayton       | Mr. Moulton   | 53                  |

Mr. D. Lee moved that the resolution reported by the minority of the committee on canals, relative to the equalization of canal tolls, be substituted on the general orders for the bill entitled "An act for the relief of Hubbard Burdick."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. D. Lee, and it was determined in the negative.

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 24 | } |
| { | NAYS   | 48 | } |
| { | ABSENT | 56 | } |

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|            |                  |                    |
|------------|------------------|--------------------|
| Mr. Barber | Mr. Frisbee      | Mr. Raymond        |
| Mr. Bloss  | Mr. G. Gould     | Mr. J. Stevenson   |
| Mr. Bowen  | Mr. Hannum       | Mr. Sweeney        |
| Mr. Bush   | Mr. Horton       | Mr. Tibbits        |
| Mr. Coe    | Mr. D. Lee       | Mr. Wells          |
| Mr. Culver | Mr. Litchfield   | Mr. White          |
| Mr. Dewey  | Mr. Long         | Mr. Wynant         |
| Mr. Field  | Mr. C. B. Miller | Mr. A. W. Young 24 |

Those who voted in the negative are

|                 |                |                 |
|-----------------|----------------|-----------------|
| Mr. Bachman     | Mr. Hazelton   | Mr. Porter      |
| Mr. Bagg        | Mr. Hervey     | Mr. Preston     |
| Mr. Bevens      | Mr. Howard     | Mr. Rogers      |
| Mr. Billings    | Mr. Huntington | Mr. Ross        |
| Mr. M. Brooks   | Mr. Kinne      | Mr. Searing     |
| Mr. L. H. Brown | Mr. Knapp      | Mr. Skelton     |
| Mr. Burdick     | Mr. T. R. Lee  | Mr. A. C. Smith |
| Mr. Carpenter   | Mr. M'Carthy   | Mr. Speaker     |
| Mr. Chase       | Mr. M'Donald   | Mr. Strobbridge |
| Mr. Comstock    | Mr. M'Key      | Mr. Tefft       |
| Mr. Danforth    | Mr. Mather     | Mr. Thayer      |
| Mr. Dickson     | Mr. S. Miller  | Mr. Thompson    |
| Mr. Fellows     | Mr. Morris     | Mr. Tiues       |
| Mr. Fonda       | Mr. Morrison   | Mr. Walrath     |
| Mr. D. Gould    | Mr. Newkirk    | Mr. Wheeler     |
| Mr. Gregory     | Mr. Oakley     | Mr. Wyckoff 48  |

Those who were absent are

|                  |               |                     |
|------------------|---------------|---------------------|
| Mr. Bailey       | Mr. Edwards   | Mr. Pardee          |
| Mr. Betts        | Mr. Fenn      | Mr. Pierce          |
| Mr. Blake        | Mr. Garretson | Mr. Rice            |
| Mr. Boughton     | Mr. Gifford   | Mr. Russell         |
| Mr. J. Brooks    | Mr. Hall      | Mr. Sager           |
| Mr. Brower       | Mr. Hammond   | Mr. Salisbury       |
| Mr. S. A. Brown  | Mr. Harden    | Mr. Sears           |
| Mr. A. H. Buell  | Mr. Harris    | Mr. Sherman         |
| Mr. T. Buel      | Mr. Heermans  | Mr. W. Smith        |
| Mr. Bunker       | Mr. Hine      | Mr. Spring          |
| Mr. Cameron      | Mr. Hunt      | Mr. R. L. Stevenson |
| Mr. Casner       | Mr. Jarvis    | Mr. Tuthill         |
| Mr. Collins      | Mr. Johnson   | Mr. Van Schoonhoven |
| Mr. Constant     | Mr. Jones     | Mr. Van Valkenburgh |
| Mr. Crain        | Mr. M'Vean    | Mr. Whitney         |
| Mr. C. F. Crosby | Mr. Mann      | Mr. Wilcox          |
| Mr. E. Crosby    | Mr. Mersereau | Mr. Worden          |
| Mr. Dayton       | Mr. Moulton   | Mr. J. Young        |
| Mr. De Puy       | Mr. Niven     |                     |

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The House then resolved itself into a committee of the whole, on the bill entitled "An act to provide for the opening and improving the road through the Onondaga Indian reservation;" on the bill entitled "An act to equalize taxation;" on the bill entitled "An act to change the name of Edwin Lucian Cady," and on the bill entitled "An act for the relief of Hubbard Burdick;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Skelton, from the said committee, reported, that there was not a quorum in attendance.

The roll having been called, the following members appeared and answered to the names, to wit :

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Bachman     | Mr. Field      | Mr. Preston         |
| Mr. Baggy       | Mr. Fonda      | Mr. Raymond         |
| Mr. Barber      | Mr. Frisbee    | Mr. Ross            |
| Mr. Betts       | Mr. D. Gould   | Mr. Russell         |
| Mr. Bevens      | Mr. Hannum     | Mr. Searing         |
| Mr. Billings    | Mr. Harris     | Mr. Skelton         |
| Mr. Bloss       | Mr. Hazelton   | Mr. A. C. Smith     |
| Mr. Bowen       | Mr. Hervey     | Mr. Speaker         |
| Mr. J. Brooks   | Mr. Howard     | Mr. J. Stevenson    |
| Mr. M. Brooks   | Mr. Huntington | Mr. Strobbridge     |
| Mr. L. H. Brown | Mr. Kinne      | Mr. Sweeney         |
| Mr. Bush        | Mr. T. R. Lee  | Mr. Tefft           |
| Mr. Carpenter   | Mr. Litchfield | Mr. Thayer          |
| Mr. Casner      | Mr. Long       | Mr. Thompson        |
| Mr. Chase       | Mr. M'Carthy   | Mr. Tibbits         |
| Mr. Coe         | Mr. M'Donald   | Mr. Titus           |
| Mr. Collins     | Mr. M'Key      | Mr. Van Schoonhoven |

|              |                  |                 |
|--------------|------------------|-----------------|
| Mr. Comstock | Mr. Mather       | Mr. Walrath     |
| Mr. Crain    | Mr. C. B. Miller | Mr. Wheeler     |
| Mr. Culver   | Mr. S. Miller    | Mr. White       |
| Mr. Danforth | Mr. Morris       | Mr. Wilcox      |
| Mr. De Puy   | Mr. Morrison     | Mr. Wyckoff     |
| Mr. Dewey    | Mr. Newkirk      | Mr. Wynant      |
| Mr. Dickson  | Mr. Oakley       | Mr. A. W. Young |
| Mr. Fellows  | Mr. Porter       | Mr. J. Young    |

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And it appeared that the following members were absent, to wit :

|                  |               |                     |
|------------------|---------------|---------------------|
| Mr. Bailey       | Mr. G. Goold  | Mr. Niven           |
| Mr. Blake        | Mr. Gregory   | Mr. Pardee          |
| Mr. Boughton     | Mr. Hill      | Mr. Pierce          |
| Mr. Brower       | Mr. Hammond   | Mr. Rice            |
| Mr. S. A. Brown  | Mr. Harden    | Mr. Rogers          |
| Mr. A. H. Buell  | Mr. Heermans  | Mr. Sager           |
| Mr. T. Buel      | Mr. Hine      | Mr. Salisbury       |
| Mr. Bunker       | Mr. Horton    | Mr. Sears           |
| Mr. Burdick      | Mr. Hunt      | Mr. Sherman         |
| Mr. Cameron      | Mr. Jarvis    | Mr. W. Smith        |
| Mr. Constant     | Mr. Johnson   | Mr. Spring          |
| Mr. C. F. Crosby | Mr. Jones     | Mr. R. L. Stevenson |
| Mr. E. Crosby    | Mr. Knapp     | Mr. Tuthill         |
| Mr. Dayton       | Mr. D. Lee    | Mr. Van Valkenburgh |
| Mr. Edwards      | Mr. M'Vean    | Mr. Wells           |
| Mr. Fenn         | Mr. Mann      | Mr. Whitney         |
| Mr. Garretson    | Mr. Mersereau | Mr. Worden          |
| Mr. Giffard      | Mr. Moulton   |                     |

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A quorum being in attendance, the Speaker again left the chair, and the House, in committee of the whole, resumed the consideration of the aforesaid bills ; and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Skelton, from the said committee, reported, that the committee had gone through the bill entitled "An act to provide for the opening and improving the road through the Onondaga Indian reservation," made sundry amendments thereto, and agreed to the same ; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. Skelton, from the same committee, reported progress on the bill entitled "An act to equalize taxation," and asked for and obtained leave to sit again.

By unanimous consent,

Mr. T. R. Lee offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill entitled "An act to equalize taxation," be referred to a select committee, with instructions to inquire into the expediency and feasibility of taxing interest in rents as personal property in the towns where the lands may lie, consistently with justice and the laws regulating the assessment and collection of taxes, and to report by bill or otherwise.

*Ordered*, That the said resolution be laid on the table.

Mr. Skelton, from the same committee, reported, that the committee had gone through the bill entitled "An act to change the name of Edwin Lucian Cady," and agreed to the same without amendment; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. Skelton, from the same committee, reported, that the committee had gone through the bill entitled "An act for the relief of Hubbard Burdick," and agreed to the same without amendment; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

The hour of half past one o'clock having arrived,

The House took a recess until half past three o'clock this afternoon.

---

### HALF PAST THREE O'CLOCK, P. M.

The House again met.

By unanimous consent, on motion of Mr. Mather,

*Resolved*, That the bill entitled "An act for the relief of John E. Foley," be taken from the general orders, and referred to the committee on the public lands, with instructions to report the same complete.

By unanimous consent, on motion of Mr. Wilcox,

*Resolved*, That the bill entitled "An act for the relief of Elisha Monell," be ordered to a third reading.

*Ordered*, That Mr. W. Smith have leave of absence for ten days.

A message from the Senate was received and read, informing that they had rejected the bill therewith returned, entitled "An act to compensate district school librarians."

The House then resolved itself into a committee of the whole, on the bill from the Senate, entitled "An act to reduce the number of town officers, and town and county expenses, and to prevent abuses in auditing county and town accounts;" and on the bill entitled "An act relative to the militia and public defence;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. C. B. Miller, from the said committee, reported progress on the said bills severally, and asked for and obtained leave to sit again.

Mr. Oakley, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to incorporate the Hebrew Mutual Benefit Society of the city of New-York," and the bill entitled "An act authorising Jackson Townsend and others to establish a ferry between Hydepark and Esopus," and found the same severally correctly engrossed.

*Ordered*, That the said bills do have their third reading.

By unanimous consent,

Mr. Wheeler, from the minority of the committee on the judiciary, to which was referred the petition of Mary Ann Van Riper, praying for relief, reported favorably to the prayer of the petitioner, and asked leave to bring in a bill.



Leave being granted, Mr. Wheeler accordingly brought in the said bill, entitled "An act for the relief of Mary Ann Van Riper of the city of New-York ;" which was read the first time, and by unanimous consent was also read a second time.

Mr. Wheeler moved that the said bill be ordered to be engrossed for a third reading.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Wheeler, and it was determined in the affirmative.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to enlarge the act entitled 'An act relative to common schools for the city of Brooklyn,' passed March 23d, 1843 ;" the bill entitled "An act to amend the acts relative to the village of Liverpool ;" the bill entitled "An act to incorporate the trustees for the management and care of the fund for the support of the Episcopate of the Diocese of New-York," and the bill entitled "An act to punish the unlawful cutting and carrying away of timber," and found the same severally correctly engrossed.

*Ordered,* That the said bills do have their third reading.

A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
Albany, April 28, 1845. }

TO THE ASSEMBLY.

I have this day approved and signed the bill entitled "An act relative to the city of Brooklyn."

SILAS WRIGHT.

By unanimous consent,

Mr. Bevens, from the committee on canals, to which was referred the petition of Homer Caswell, praying for relief, reported favorably to the prayer of the petitioner, and asked leave to bring in a bill.

Leave being granted, Mr. Bevens accordingly brought in the said bill, entitled "An act for the relief of Homer Caswell ;" which was read first time, and by unanimous consent was also read a second time.

On motion of Mr. Bevens,

*Ordered,* That the said bill be referred to the committee of the whole when on the bill entitled "An act to change the name of Benjamin Elijah Hinman."

By unanimous consent,

Mr. Fonda presented the remonstrance of sundry inhabitants of the village of Rome in the county of Oneida, against the passage of the bill relative to the Rome waterworks ; which was read, and ordered to be laid on the table.

On motion of Mr. T. R. Lee,

The House then adjourned to ten o'clock to-morrow morning.

## TUESDAY, APRIL 29, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Potter.

The minutes of yesterday were read and approved.

The petition of sundry inhabitants of the county of Columbia, praying for the repeal of an act passed April 22d, 1844, entitled "An act relative to the police and criminal courts in the city of Hudson," was read, and referred to the committee on the judiciary.

Mr. Oakley, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to incorporate the fire engine company of East-Albany;" the bill entitled "An act to improve the post road running from the Elephant hotel in the town of Somers, to the village of Peekskill;" the bill entitled "An act to construct a bridge over Buffalo creek, on the Abbott's road in the county of Erie;" the bill entitled "An act to change the name of Edwin Lucian Cady;" and the bill entitled "An act to confirm the official acts of Philip Lazell, a justice of the peace," and found the same severally correctly engrossed.

*Ordered*, That the said bills do have their third reading.

Mr. Titus, from the committee on trade and manufactures, to which was referred the petition of sundry inhabitants of the county of Orleans, praying for the incorporation of the Oak-orchard Hydraulic Company, reported unfavorably to the prayer of the petitioners, and offered the following resolution, to wit :

*Resolved*, That the committee on trade and manufactures be discharged from the consideration of the petition for the incorporation of the Oak-orchard Hydraulic Company.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. D. Gould, from the committee on railroads, asked for and obtained leave to bring in a bill, entitled "An act amendatory of an act to amend an act incorporating the Utica and Schenectady Railroad Company;" which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. D. Gould,

*Ordered*, That the said bill be referred to the committee of the whole having charge of the first bill on the general orders.

Mr. Knapp, from the committee on the public lands, to which was referred the bill entitled "An act for the relief of John E. Foley," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

By unanimous consent, and

In pursuance of previous notice, Mr. Wheeler asked for and obtained

leave to bring in a bill, entitled "An act to incorporate the Union Mutual Life Insurance Company;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on banks and insurance companies, to report complete.

The House then resolved itself into a committee of the whole, on the bill from the Senate, entitled "An act for the relief of Jason C. Osgood and Daniel F. Kellogg of the county of Madison;" on the bill entitled "An act for the relief of Mary Agnes Titus, Elizabeth Titus, Jane Titus, James Henry Titus, Martha Titus, Abiel Titus, Ruth M. Baker (the wife of John O. Baker), Ann Eliza Kermit Dean and William Philip Dean;" on the bill entitled "An act for the relief of William Vandervoort;" on the bill entitled "An act for the relief of Asa T. Smith;" on the bill entitled "An act for the relief of John Allerthorn, an alien;" on the bill entitled "An act for the relief of Asaph Seymour, William Coffin, William Savage and William S. Harrison;" on the bill entitled "An act for the relief of Henry Archer, Mary the wife of John Smith, Jane Archer, Elizabeth Archer and Martin Archer, devisees of John Archer, late of the county of Clinton, deceased;" on the bill entitled "An act for the relief of Nelson Wolcott;" on the bill entitled "An act for the relief of John Whitehead;" on the bill entitled "An act for the relief of John Sanford and William Eggleston;" on the bill entitled "An act for the relief of John J. Hopper;" on the bill entitled "An act for the relief of Daniel Conyne;" on the bill entitled "An act for the relief of Marcus Brown;" on the bill entitled "An act for the relief of Amos W. Scriven;" on the bill entitled "An act for the relief of the heirs of Thomas Mott;" on the bill entitled "An act for the relief of James D. Sparkman, William Leaycraft and Samuel Cox;" and on the bill entitled "An act for the relief of Aaron Knapp;" and after some time spent thereon, Mr. Speaker resumed the chair, and announced that the hour of half past one o'clock had arrived.

Whereupon,

The House took a recess until half past three o'clock this afternoon.

---

### HALF PAST THREE O'CLOCK P. M.

The House again met.

The House, in committee of the whole, resumed the consideration of the bills which were before said committee at the time of taking the recess; and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. J. Young, from the said committee, reported, that the committee had gone through the bill entitled "An act for the relief of Jason C. Osgood and Daniel F. Kellogg of the county of Madison;" the bill entitled "An act for the relief of Mary Agnes Titus and others;" the bill entitled "An act for the relief of William Vandervoort;" the bill entitled "An act for the relief of John Allerthorn, an alien;" the bill entitled "An act for the relief of Nelson Wolcott;" the bill entitled "An act for the relief of John Whitehead;" the bill entitled "An act

for the relief of John Sanford and William Eggleston ;" the bill entitled "An act for the relief of John J. Hopper ;" the bill entitled "An act for the relief of the heirs of Thomas Mott ;" the bill entitled "An act for the relief of James D. Sparkman and others," and the bill entitled "An act for the relief of Aaron Knapp," and agreed to the same severally without amendment ; which report was agreed to by the house, and the bills ordered to be engrossed for a third reading.

Mr. J. Young, from the same committee, reported, that the committee had gone through the bill entitled "An act for the relief of Marcus Brown," and agreed to the same without amendment ; which he was directed to report to the house.

Mr. Speaker put the question whether the House would agree with the committee of the whole in their report on the said bill, and it was determined in the affirmative.

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 41 | } |
| { | NAYS   | 31 | } |
| { | ABSENT | 56 | } |

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Barber      | Mr. Field      | Mr. Rogers          |
| Mr. Betts       | Mr. Frisbee    | Mr. Speaker         |
| Mr. Bevens      | Mr. G. Gould   | Mr. Sweeney         |
| Mr. Boughton    | Mr. Hannum     | Mr. Tefft           |
| Mr. Bowen       | Mr. Heermans   | Mr. Tibbits         |
| Mr. J. Brooks   | Mr. Howard     | Mr. Van Valkenburgh |
| Mr. M. Brooks   | Mr. Huntington | Mr. Walrath         |
| Mr. L. H. Brown | Mr. D. Lee     | Mr. Wells           |
| Mr. Bunker      | Mr. Litchfield | Mr. Wheeler         |
| Mr. Bush        | Mr. M'Key      | Mr. Wyckoff         |
| Mr. Coe         | Mr. M'Vean     | Mr. Wynant          |
| Mr. Culver      | Mr. Preston    | Mr. A. W. Young     |
| Mr. Dewey       | Mr. Raymond    | Mr. J. Young        |
| Mr. Edwards     | Mr. Rice       |                     |

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Those who voted in the negative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. D. Gould     | Mr. S. Miller       |
| Mr. Bagg        | Mr. Gregory      | Mr. Niven           |
| Mr. S. A. Brown | Mr. Harden       | Mr. Oakley          |
| Mr. A. H. Buell | Mr. Hazelton     | Mr. Porter          |
| Mr. Burdick     | Mr. Hervey       | Mr. Russell         |
| Mr. Carpenter   | Mr. Hine         | Mr. Sager           |
| Mr. Chase       | Mr. Kinne        | Mr. Searing         |
| Mr. Danforth    | Mr. T. R. Lee    | Mr. R. L. Stevenson |
| Mr. Dickson     | Mr. Mather       | Mr. Thayer          |
| Mr. Fellows     | Mr. C. B. Miller | Mr. Titus           |
| Mr. Fonda       |                  |                     |

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And those who were absent are

|                  |               |                     |
|------------------|---------------|---------------------|
| Mr. Bailey       | Mr. Hall      | Mr. Pierce          |
| Mr. Billings     | Mr. Hammond   | Mr. Ross            |
| Mr. Blake        | Mr. Harris    | Mr. Salisbury       |
| Mr. Bloss        | Mr. Horton    | Mr. Sears           |
| Mr. Brower       | Mr. Hunt      | Mr. Sherman         |
| Mr. T. Buel      | Mr. Jarvis    | Mr. Skelton         |
| Mr. Cameron      | Mr. Johnson   | Mr. A. C. Smith     |
| Mr. Casner       | Mr. Jones     | Mr. W. Smith        |
| Mr. Collins      | Mr. Knapp     | Mr. Spring          |
| Mr. Comstock     | Mr. Long      | Mr. J. Stevenson    |
| Mr. Constant     | Mr. M'Carthy  | Mr. Strobbridge     |
| Mr. Crain        | Mr. M'Donald  | Mr. Thompson        |
| Mr. C. F. Crosby | Mr. Mann      | Mr. Tuthill         |
| Mr. E. Crosby    | Mr. Mersereau | Mr. Van Schoonhoven |
| Mr. Dayton       | Mr. Morris    | Mr. White           |
| Mr. De Puy       | Mr. Morrison  | Mr. Whitney         |
| Mr. Fenn         | Mr. Moulton   | Mr. Wilcox          |
| Mr. Garretson    | Mr. Newkirk   | Mr. Worden          |
| Mr. Gifford      | Mr. Pardee    |                     |

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*Ordered*, That the said bill be engrossed for a third reading.

Mr. J. Young, from the same committee, reported, that the committee had gone through the bill entitled "An act for the relief of Asaph Seymour, William Coffin, William Savage and William S. Harrison," made an amendment thereto, and agreed to the same; which he was directed to report to the house.

Mr. Speaker put the question whether the House would agree with the committee of the whole in their report on the said bill, and it was determined in the affirmative.

|   |        |    |
|---|--------|----|
| { | AYES   | 41 |
|   | NAYS   | 39 |
|   | ABSENT | 48 |

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |              |                  |
|-----------------|--------------|------------------|
| Mr. Barber      | Mr. Culver   | Mr. M'Vean       |
| Mr. Betts       | Mr. Dewey    | Mr. Morrison     |
| Mr. Bevins      | Mr. Edwards  | Mr. Oakley       |
| Mr. Billings    | Mr. Fellows  | Mr. Raymond      |
| Mr. Bloss       | Mr. Field    | Mr. Speaker      |
| Mr. Boughton    | Mr. Fonda    | Mr. J. Stevenson |
| Mr. Bowen       | Mr. Frisbee  | Mr. Sweeney      |
| Mr. J. Brooks   | Mr. D. Gould | Mr. Thayer       |
| Mr. M. Brooks   | Mr. G. Goold | Mr. Tibbits      |
| Mr. L. H. Brown | Mr. Howard   | Mr. Walrath      |

|                 |                |              |    |
|-----------------|----------------|--------------|----|
| Mr. S. A. Brown | Mr. Huntington | Mr. Wheeler  | 41 |
| Mr. Burdick     | Mr. D. Lee     | Mr. Wynant   |    |
| Mr. Bush        | Mr. Litchfield | Mr. J. Young |    |
| Mr. Comstock    | Mr. M'Key      |              |    |

Those who voted in the negative are

|                 |               |                     |    |
|-----------------|---------------|---------------------|----|
| Mr. Bachman     | Mr. Hervey    | Mr. Russell         | 39 |
| Mr. A. H. Buell | Mr. Hine      | Mr. Sager           |    |
| Mr. Bunker      | Mr. Kinne     | Mr. Searing         |    |
| Mr. Carpenter   | Mr. T. R. Lee | Mr. Skelton         |    |
| Mr. Chase       | Mr. M'Donald  | Mr. A. C. Smith     |    |
| Mr. Coe         | Mr. Mather    | Mr. R. L. Stevenson |    |
| Mr. Danforth    | Mr. S. Miller | Mr. Tefft           |    |
| Mr. Dickson     | Mr. Newkirk   | Mr. Titus           |    |
| Mr. Gregory     | Mr. Niven     | Mr. Van Schoonhoven |    |
| Mr. Hannum      | Mr. Porter    | Mr. Van Valkenburgh |    |
| Mr. Harden      | Mr. Preston   | Mr. Wells           |    |
| Mr. Hazelton    | Mr. Rice      | Mr. White           |    |
| Mr. Heermans    | Mr. Rogers    | Mr. A. W. Young     |    |

And those who were absent are

|                  |                  |                |    |
|------------------|------------------|----------------|----|
| Mr. Bagg         | Mr. Giffard      | Mr. Moulton    | 48 |
| Mr. Bailey       | Mr. Hall         | Mr. Pardee     |    |
| Mr. Blake        | Mr. Hammond      | Mr. Pierce     |    |
| Mr. Brower       | Mr. Harris       | Mr. Ross       |    |
| Mr. T. Buel      | Mr. Horton       | Mr. Salisbury  |    |
| Mr. Cameron      | Mr. Hunt         | Mr. Sears      |    |
| Mr. Casner       | Mr. Jarvis       | Mr. Sherman    |    |
| Mr. Collins      | Mr. Johnson      | Mr. W. Smith   |    |
| Mr. Constant     | Mr. Jones        | Mr. Spring     |    |
| Mr. Crain        | Mr. Knapp        | Mr. Strobridge |    |
| Mr. C. F. Crosby | Mr. Long         | Mr. Thompson   |    |
| Mr. E. Crosby    | Mr. M'Carthy     | Mr. Tuthill    |    |
| Mr. Dayton       | Mr. Mann         | Mr. Whitney    |    |
| Mr. De Puy       | Mr. Mersereau    | Mr. Wilcox     |    |
| Mr. Fenn         | Mr. C. B. Miller | Mr. Worden     |    |
| Mr. Garretson    | Mr. Morris       | Mr. Wyckoff    |    |

Mr. Comstock moved to refer the said bill to a select committee to report complete.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Comstock, and it was determined in the affirmative.

Mr. J. Young, from the same committee, reported, that the committee had gone through the bill entitled "An act for the relief of Daniel Conyne," made sundry amendments thereto, and agreed to the same; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. J. Young, from the same committee, reported, that the committee

had gone through the bill entitled "An act for the relief of Amos W. Scriven," made sundry amendments thereto, and agreed to the same; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. J. Young, from the same committee, reported progress on the bill entitled "An act for the relief of Henry Archer, Mary the wife of John Smith, Jane Archer, Elizabeth Archer and Martin Archer, devisees of John Archer, late of the county of Clinton, deceased," and asked for and obtained leave to sit again.

The Chair announced the appointment of a select committee on the bill entitled "An act for the relief of Asaph Seymour and others," to consist of Mr. Comstock, Mr. Wheeler, Mr. Bevins, Mr. Fonda and Mr. Horton.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act in relation to the sixth brigade of infantry," and found the same correctly engrossed.

*Ordered,* That the said bill do have its third reading.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act to enable resident aliens to hold and convey real estate, and for other purposes," without amendment.

*Ordered,* That the Clerk deliver the said bill to the Governor.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bill therewith delivered, entitled "An act in relation to the census or enumeration of the inhabitants of the State;" which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. Russell,

*Ordered,* That the said bill do have its third reading.

Mr. Oakley, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act relative to the New-York and Newhaven Railroad Company," and found the same correctly engrossed.

*Ordered,* That the said bill do have its third reading.

Mr. Russell moved that the House do now adjourn.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Russell, and it was determined in the affirmative.

|   |        |    |
|---|--------|----|
| { | AYES   | 43 |
|   | NAYS   | 31 |
|   | ABSENT | 54 |

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |               |             |
|-----------------|---------------|-------------|
| Mr. Boughton    | Mr. Hine      | Mr. Rice    |
| Mr. M. Brooks   | Mr. Howard    | Mr. Rogers  |
| Mr. L. H. Brown | Mr. Kinne     | Mr. Russell |
| Mr. A. H. Buell | Mr. T. R. Lee | Mr. Searing |

|               |                  |                     |
|---------------|------------------|---------------------|
| Mr. Bunker    | Mr. Litchfield   | Mr. Skelton         |
| Mr. Carpenter | Mr. M'Donald     | Mr. A. C. Smith     |
| Mr. Chase     | Mr. M'Key        | Mr. Speaker         |
| Mr. Comstock  | Mr. Mather       | Mr. Tefft           |
| Mr. Danforth  | Mr. C. B. Miller | Mr. Thayer          |
| Mr. Dickson   | Mr. Newkirk      | Mr. Titus           |
| Mr. Edwards   | Mr. Niven        | Mr. Van Schoonhoven |
| Mr. D. Gould  | Mr. Porter       | Mr. Van Valkenburgh |
| Mr. Gregory   | Mr. Preston      | Mr. Walrath         |
| Mr. Harden    | Mr. Raymond      | Mr. White           |
| Mr. Hazelton  |                  |                     |

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Those who voted in the negative are

|                 |              |                  |
|-----------------|--------------|------------------|
| Mr. Bachman     | Mr. Fellows  | Mr. Morrison     |
| Mr. Barber      | Mr. Field    | Mr. Oakley       |
| Mr. Betts       | Mr. Fonda    | Mr. Sager        |
| Mr. Bevens      | Mr. Frisbee  | Mr. J. Stevenson |
| Mr. Bowen       | Mr. G. Goold | Mr. Sweeney      |
| Mr. J. Brooks   | Mr. Hannum   | Mr. Wells        |
| Mr. S. A. Brown | Mr. Heermans | Mr. Wheeler      |
| Mr. Bush        | Mr. Hervey   | Mr. Wyckoff      |
| Mr. Coe         | Mr. D. Lee   | Mr. Wynant       |
| Mr. Culver      | Mr. M'Vean   | Mr. A. W. Young  |
| Mr. Dewey       |              |                  |

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And those who were absent are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Bagg         | Mr. Garretson  | Mr. Moulton         |
| Mr. Bailey       | Mr. Giffard    | Mr. Pardee          |
| Mr. Billings     | Mr. Hall       | Mr. Pierce          |
| Mr. Blake        | Mr. Hammond    | Mr. Ross            |
| Mr. Bloss        | Mr. Harris     | Mr. Salisbury       |
| Mr. Brower       | Mr. Horton     | Mr. Sears           |
| Mr. T. Buel      | Mr. Hunt       | Mr. Sherman         |
| Mr. Burdick      | Mr. Huntington | Mr. W. Smith        |
| Mr. Cameron      | Mr. Jarvis     | Mr. Spring          |
| Mr. Casner       | Mr. Johnson    | Mr. R. L. Stevenson |
| Mr. Collins      | Mr. Jones      | Mr. Strobridge      |
| Mr. Constant     | Mr. Knapp      | Mr. Thompson        |
| Mr. Crain        | Mr. Long       | Mr. Tibbits         |
| Mr. C. F. Crosby | Mr. M'Carthy   | Mr. Tuthill         |
| Mr. E. Crosby    | Mr. Mann       | Mr. Whitney         |
| Mr. Dayton       | Mr. Mersereau  | Mr. Wilcox          |
| Mr. De Puy       | Mr. S. Miller  | Mr. Worden          |
| Mr. Fenn         | Mr. Morris     | Mr. J. Young        |

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The House then adjourned to ten o'clock to-morrow morning.



## WEDNESDAY, APRIL 30, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Saxe.

The minutes of yesterday were read and approved.

The remonstrance of sundry inhabitants of the county of Dutchess, against any discrimination of tolls on the canals of this State, was read, and referred to the committee of the whole when on the bill upon that subject.

Two several petitions of sundry inhabitants of the county of Richmond, praying for the incorporation of the New-York and Richmond Steamboat Ferry Company, were read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the town of Oswegatchie in the county of St. Lawrence, praying for a grant of a certain lot of land in said town, for a burial ground, was read, and referred to the committee on the public lands.

Mr. Oakley, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to provide for the opening and improving roads through the Onondaga Indian reservation;" the bill entitled "An act further to amend an act entitled 'An act to incorporate the New-York Fire Insurance Company of the city of New-York,' passed April 1<sup>st</sup>, 1832;" the bill entitled "An act in relation to the interment of the dead in the village of Williamsburgh;" the bill entitled "An act for the relief of Hubbard Burdick;" and the bill entitled "An act for the safe keeping, and to provide a time for the distribution of the gospel and school fund monies in the several towns in the county of Onondaga," and found the same severally correctly engrossed.

*Ordered*, That the said bills do have their third reading.

By unanimous consent,

Mr. J. Young moved that the bill entitled "An act to incorporate the village of Dansville," be ordered to be engrossed for a third reading.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. J. Young, and it was determined in the affirmative.

By unanimous consent, on motion of Mr. Gregory,

*Resolved*, That the bill entitled "An act to erect the town of Clinton," be taken from the general orders, and ordered to be engrossed for a third reading.

Mr. Hine, from the select committee to which were referred seven several bills relative to the reduction of town and county expenses, reported, that the committee had examined and condensed the said bills, with sundry amendments, into one bill, entitled "An act to reduce the number of town officers and town and county expenses, and to prevent abuses in auditing town and county accounts," and recommend that the same be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

On motion of Mr. M. Brooks,

*Ordered*, That the said bill, together with the bill from the Senate on the same subject, be made the special order for to-morrow, after the reports of committees are disposed of.

By unanimous consent,

Mr. Wynant offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill entitled "An act to change the name of the Bethel Baptist Church in Williamsburgh," be ordered to be engrossed for a third reading.

Mr. Morrison moved to amend the said resolution, by adding thereto the bill entitled "An act to change the name of Ogden P. Edwards."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Morrison, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to the said resolution, as amended, and it was determined in the affirmative.

By unanimous consent, on motion of Mr. Edwards,

*Resolved*, That the bill entitled "An act to authorise certain individuals in the town of Edinburgh, Saratoga county, to loan money to build a bridge across the Sacondaga river," be referred to the committee on roads and bridges, to be reported complete.

By unanimous consent,

Mr. Chase moved that the bill relative to the equalization of tolls be made the special order for this day, at half past three o'clock in the afternoon.

Mr. Oakley moved to amend the said motion of Mr. Chase, by substituting "half past seven" for "half past three" o'clock in the afternoon.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Oakley, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the said motion of Mr. Chase, and it was determined in the affirmative.

By unanimous consent, on motion of Mr. Betts,

*Resolved*, That the bill entitled "An act to annex part of the city of Troy to the town of Brunswick," be referred to the committee on the erection and division of towns and counties, to report complete.

By unanimous consent, on motion of Mr. Coe,

The House then proceeded to the consideration of the resolution heretofore offered by him, in the words following, to wit :

*Resolved*, That the hour of meeting of this House be hereafter at nine o'clock in the forenoon.

Mr. Coe amended the said resolution, by striking out "hereafter," and inserting "on and after Monday next."

Mr. Oakley moved to amend the said resolution, by adding thereto the words "and that this House will hold an afternoon session, commencing at seven o'clock."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Oakley, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

By unanimous consent, on motion of Mr. Van Valkenburgh,

*Resolved*, That the bill from the Senate, relative to the transportation of mails on the railroads of this State, be ordered to a third reading.

By unanimous consent, on motion of Mr. Thompson,

*Resolved*, That the bill entitled "An act to incorporate the Shamrock Benevolent Society," be referred to the committee on charitable and religious societies, to report complete.

On motion of Mr. Comstock,

The House then proceeded to the consideration of the bill from the Senate, entitled "An act for the relief of Lyman Carpenter."

On motion of Mr. Comstock,

*Ordered*, That the said bill do have its third reading.

Mr. A. H. Buell, from the committee on banks and insurance companies, to which was referred the bill entitled "An act to incorporate the Union Mutual Life Insurance Company," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. J. Brooks, from the majority of the committee on the erection and division of towns and counties, to which was referred the bill from the Senate, entitled "An act to erect the town of Gilboa," reported in writing, and concluded by offering the following resolution, to wit :

*Resolved*, That the committee recommend that the said bill be passed into a law.

[See Document No. 241.]

*Ordered*, That the said bill and resolution be laid on the table.

By unanimous consent, on motion of Mr. Wheeler,

*Resolved*, That the bill entitled "An act to change the names of Stewart Skillman and Sarah L. Skillman," be ordered to a third reading.

By unanimous consent, on motion of Mr. Garretson,

*Resolved*, That the bill entitled "An act to incorporate the Mattewan Fire Company in Dutchess county," be taken from the general orders, and ordered to be engrossed for a third reading.

Mr. Van Valkenburgh, from the committee on railroads, to which was referred the petition of sundry inhabitants of the county of Orange, relative to a railroad from Warwick to the New-York and Erie railroad, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Van Valkenburgh accordingly brought in the said bill, entitled "An act to renew an act to provide for the construction of a railroad from the village of Warwick to the New-York and Erie railroad;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Raymond, from the committee on the erection and division of



towns and counties, to which was referred the petition of sundry inhabitants of the town of Dansville in the county of Steuben, praying that a portion of said town may be set off to the town of Sparta in the county of Livingston, reported unfavorably to the prayer of the petitioners, and offered the following resolution, to wit :

*Resolved*, That the committee on the erection and division of towns and counties be discharged from the further consideration of the petition for the annexation of a part of the town of Dansville to the town of Sparta.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

By unanimous consent,

Mr. Hine offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill entitled "An act reducing the rate of interest of money," be referred to a select committee to report complete.

*Ordered*, That the said resolution be laid on the table.

A communication from the Attorney General was received and read, in the words following, to wit :

STATE OF NEW-YORK, }  
ATTORNEY GENERAL'S OFFICE. }  
*Albany, April 29, 1845.*

HON. HORATIO SEYMOUR,  
*Speaker of the Assembly.*

SIR,

I herewith transmit to the Assembly my report, in compliance with a resolution of the twenty-first April, 1845.

I have the honor to be,

Your obedient servant,

J. VAN BUREN.

[See Document No. 240.]

*Ordered*, That the said report be laid on the table.

The House then resolved itself into a committee of the whole, on the bill entitled "An act for the relief of the heirs at law of James Martin ;" on the bill entitled "An act for the relief of Baltis Simmons," and on the bill entitled "An act for the relief of Joseph L. Harris ;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Bailey, from the said committee, reported, that the committee had gone through the bill entitled "An act for the relief of the heirs at law of James Martin," made an amendment thereto, and agreed to the same ; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. Bailey, from the same committee, reported, that the committee had gone through the bill entitled "An act for the relief of Baltis Simmons," made an amendment thereto, and agreed to the same ; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. Bailey, from the same committee, reported, that the committee



had gone through the bill entitled "An act for the relief of Joseph L. Harris," and agreed to the same without amendment; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

The House then resolved itself into a committee of the whole, on the bill from the Senate, entitled "An act for the relief of John H. T. Smith;" on the bill entitled "An act for the relief of Asenath Mongin, the widow of John Foomhalt, an alien, and for other purposes;" and on the bill entitled "An act authorising David Quail, an alien, to take, hold and convey certain real estate;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Chase, from the said committee, reported, that the committee had gone through the bill from the Senate, entitled "An act for the relief of John H. T. Smith," and agreed to the same without amendment; which report was agreed to by the house, and the bill ordered to have its third reading.

Mr. Chase, from the same committee, reported, that the committee had gone through the bill entitled "An act for the relief of Asenath Mongin, the widow of John Foomhalt, an alien, and for other purposes," and agreed to the same without amendment; which he was directed to report to the house.

*Ordered*, That the said report be laid on the table.

Mr. Chase, from the same committee, reported, that the committee had gone through the bill entitled "An act authorising David Quail, an alien, to take, hold and convey certain real estate," and agreed to the same without amendment; which he was directed to report to the house.

*Ordered*, That the said report be laid on the table.

By unanimous consent,

Mr. Bailey offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That the bills for the relief of aliens, which have been acted upon in committee of the whole to-day or yesterday, be referred to the committee on the petitions of aliens.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

The House then resolved itself into a committee of the whole, on the bill from the Senate, entitled "An act for the relief of Daniel W. Wing;" on the bill entitled "An act to amend the act entitled 'An act for the relief of Thomas Noyes and others,' passed April 28th, 1840," and on the bill entitled "An act for the relief of Anthony S. Badgley and Andrew Bigham;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Bailey, from the said committee, reported, that the committee had gone through the bill from the Senate, entitled "An act for the relief of Daniel W. Wing," and agreed to the same without amendment; which report was agreed to by the house, and the bill ordered to have its third reading.

Mr. Bailey, from the same committee, reported, that the committee had gone through the bill entitled "An act to amend the act entitled 'An act for the relief of Thomas Noyes and others,' passed April 28, 1840," made sundry amendments thereto, and agreed to the same; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. Bailey, from the same committee, reported, that the committee had gone through the bill entitled "An act for the relief of Anthony S. Badgley and Andrew Bigham," and agreed to the same without amendment; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

The House then resolved itself into a committee of the whole, on the bill entitled "An act for the relief of Susan Loyd and Mary Hole;" on the bill entitled "An act for the relief of Calvin Burr and Nathan Burr;" on the bill entitled "An act for the relief of Henry Archer, Mary the wife of John Smith, Jane Archer, Elizabeth Archer and Martin Archer, devisees of John Archer, late of the county of Clinton, deceased;" on the bill entitled "An act for the relief of Isaac I. Yates," and on the bill entitled "An act for the relief of Homer Caswell;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Bevens, from the said committee, reported, that the committee had gone through the bill entitled "An act for the relief of Susan Loyd and Mary Hole," and agreed to the same without amendment; which he was directed to report to the house.

*Ordered,* That the said bill be referred to the committee on the petitions of aliens.

Mr. Bevens, from the same committee, reported, that the committee had gone through the bill entitled "An act for the relief of Calvin Burr and Nathan Burr," and agreed to the same without amendment; which he was directed to report to the house.

*Ordered,* That the said bill be referred to the committee on the petitions of aliens.

Mr. Bevens, from the same committee, reported, that the committee had gone through the bill entitled "An act for the relief of Henry Archer, Mary the wife of John Smith, Jane Archer, Elizabeth Archer and Martin Archer, devisees of John Archer, late of the county of Clinton, deceased," and agreed to the same without amendment; which he was directed to report to the house.

*Ordered,* That the said bill be referred to the committee on the petitions of aliens.

Mr. Bevens, from the same committee, reported, that the committee had gone through the bill entitled "An act for the relief of Isaac I. Yates," and agreed to the same without amendment; which he was directed to report to the house.

Mr. Chase moved to lay the said report on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Chase, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree with the committee of the whole in their report on the said bill, and it was determined in the affirmative.

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 46 | } |
| { | NAYS   | 28 | } |
| { | ABSENT | 54 | } |

The ayes and nays being required by ten members,

## Those who voted in the affirmative are

|              |                |                     |
|--------------|----------------|---------------------|
| Mr. Barber   | Mr. Garretson  | Mr. Oakley          |
| Mr. Betts    | Mr. Gifford    | Mr. Porter          |
| Mr. Bevins   | Mr. Hannum     | Mr. Raymond         |
| Mr. Billings | Mr. Hervey     | Mr. Rice            |
| Mr. Bloss    | Mr. Hine       | Mr. J. Stevenson    |
| Mr. Bowen    | Mr. Horton     | Mr. Sweeney         |
| Mr. Casner   | Mr. Huntington | Mr. Tibbits         |
| Mr. Coe      | Mr. D. Lee     | Mr. Tuthill         |
| Mr. Comstock | Mr. Litchfield | Mr. Van Schoonhoven |
| Mr. Culver   | Mr. Long       | Mr. Van Valkenburgh |
| Mr. De Puy   | Mr. M'Donald   | Mr. Walrath         |
| Mr. Edwards  | Mr. M'Key      | Mr. Wells           |
| Mr. Fellows  | Mr. M'Vean     | Mr. Wheeler         |
| Mr. Field    | Mr. Morrison   | Mr. White           |
| Mr. Fonda    | Mr. Newkirk    | Mr. J. Young        |
| Mr. Frisbee  |                |                     |

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## Those who voted in the negative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bagg        | Mr. Dickson      | Mr. Preston         |
| Mr. Bailey      | Mr. Gregory      | Mr. Rogers          |
| Mr. J. Brooks   | Mr. Hazelton     | Mr. Russell         |
| Mr. M. Brooks   | Mr. Howard       | Mr. Searing         |
| Mr. L. H. Brown | Mr. Kinne        | Mr. Skelton         |
| Mr. S. A. Brown | Mr. M'Carthy     | Mr. R. L. Stevenson |
| Mr. A. H. Buell | Mr. Mather       | Mr. Thayer          |
| Mr. Chase       | Mr. C. B. Miller | Mr. Thompson        |
| Mr. Crain       | Mr. Morris       | Mr. Titus           |
| Mr. Danforth    |                  |                     |

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## And those who were absent are

|                  |               |                 |
|------------------|---------------|-----------------|
| Mr. Bachman      | Mr. G. Goold  | Mr. Pierce      |
| Mr. Blake        | Mr. Hall      | Mr. Ross        |
| Mr. Boughton     | Mr. Hammond   | Mr. Sager       |
| Mr. Brower       | Mr. Harden    | Mr. Salisbury   |
| Mr. T. Buel      | Mr. Harris    | Mr. Sears       |
| Mr. Bunker       | Mr. Heermans  | Mr. Sherman     |
| Mr. Burdick      | Mr. Hunt      | Mr. A. C. Smith |
| Mr. Bush         | Mr. Jarvis    | Mr. W. Smith    |
| Mr. Cameron      | Mr. Johnson   | Mr. Speaker     |
| Mr. Carpenter    | Mr. Jones     | Mr. Spring      |
| Mr. Collins      | Mr. Knapp     | Mr. Strobbridge |
| Mr. Constant     | Mr. T. R. Lee | Mr. Tefft       |
| Mr. C. F. Crosby | Mr. Mann      | Mr. Whitney     |
| Mr. E. Crosby    | Mr. Mersereau | Mr. Wilcox      |
| Mr. Dayton       | Mr. S. Miller | Mr. Worden      |
| Mr. Dewey        | Mr. Moulton   | Mr. Wyckoff     |
| Mr. Fenn         | Mr. Niven     | Mr. Wynant      |
| Mr. D. Gould     | Mr. Pardee    | Mr. A. W. Young |

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*Ordered*, That the said bill be engrossed for a third reading.

Mr. Bevens, from the same committee, reported, that the committee had gone through the bill entitled "An act for the relief of Homer Caswell," and agreed to the same without amendment; which he was directed to report to the house.

*Ordered*, That the said report be laid on the table.

By unanimous consent,

Mr. Tefft moved to amend the said bill as follows, to wit :

After the word "enlargement," in the first section, insert "whenever the said work shall be brought into use by the canal commissioners."

*Ordered*, That the said amendment be laid on the table, and that the bill be printed.

A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
Albany, April 30, 1845. }

TO THE ASSEMBLY.

I have this day approved and signed the bill entitled "An act to enable resident aliens to hold and convey real estate, and for other purposes."

SILAS WRIGHT.

The engrossed bill entitled "An act to improve the post road running from the Elephant hotel in the town of Somers, to the village of Peekskill," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill from the Senate, entitled "An act relative to the census or enumeration of the inhabitants of this State," was read the third time.

Debates were had thereon; when, the hour of half past one o'clock having arrived, the House took a recess until half past three o'clock this afternoon.

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### HALF PAST THREE O'CLOCK, P. M.

The House again met.

The House then resolved itself into a committee of the whole, on the resolution reported by the minority of the committee on canals, in the words following, to wit :

*Resolved*, (if the Senate concur,) That the Canal Board be directed so to equalize the tolls on all property passing to and from tide water and Lake Erie, on the Erie and Oswego canals, that the Oswego route shall not have the advantage over the Erie canal route of more than twelve and a half per cent upon the tolls paid; and for that purpose, said board shall take into consideration the tolls charged on the Welland



canal : It shall be discretionary with the Canal Board to equalize said tolls on the opening of the navigation, or in the month of July next.

And after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Danforth, from the said committee, reported progress, and asked for and obtained leave to sit again.

By unanimous consent,

Mr. Hazelton, from the committee on the public lands, to which was referred the petition of sundry inhabitants of the town of Oswegatchie in the county of St. Lawrence, for a grant of a certain lot of land for a burial ground, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Hazelton accordingly brought in the said bill, entitled "An act authorising the surveyor general to release to the supervisor of the town of Oswegatchie a certain lot of land in said town ;" which was read the first time, and by unanimous consent was also read a second time.

By unanimous consent, on motion of Mr. Russell,

*Ordered*, That the said bill be engrossed for a third reading.

By unanimous consent, and

In pursuance of previous notice, Mr. Collins asked for and obtained leave to bring in a bill, entitled "An act in regard to the courts of common pleas and general sessions in the county of Allegany ;" which was read the first time, and by unanimous consent was also read a second time.

Mr. J. Young moved to refer the said bill to the committee on the internal affairs of towns and counties, to be reported complete.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. J. Young, and it was determined in the affirmative.

Mr. Bush moved that the House take a recess until half past seven o'clock this evening.

Mr. M. Brooks moved that the House adjourn.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. M. Brooks, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the said motion of Mr. Bush, and it was determined in the affirmative.

The House accordingly took a recess until half past seven o'clock this evening.

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### HALF PAST SEVEN O'CLOCK P. M.

The House again met.

*Ordered*, That Mr. Sager have leave of absence for ten days, Mr. Wynant for two days, Mr. Hazelton for three days, and Mr. Culver for five days.

Mr. M. Brooks moved that the House adjourn.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. M. Brooks, and it was determined in the negative.

The House then again resolved itself into a committee of the whole, on the resolution relative to the equalization of canal tolls; and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Danforth, from the said committee, reported progress, and asked for and obtained leave to sit again.

Mr. Fonda offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, 'That the question in relation to discriminating tolls between the Oswego and Buffalo routes on the canal, be referred to the Canal Board, and that they be required to report their views on the same to the next Legislature.

Pending the consideration of the said resolution, and on motion of Mr. L. H. Brown, the House adjourned to ten o'clock to-morrow morning.

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## THURSDAY, MAY 1, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Schneller.

The minutes of yesterday were read and approved.

The petition of sundry inhabitants of the village of Rome in the county of Oneida, praying for the incorporation of the Rome Water-works Company, was read, and referred to the committee of the whole when on the bill upon that subject.

By unanimous consent, on motion of Mr. Frisbee,

*Resolved*, That the bill entitled "An act to amend the act entitled 'An act to incorporate the village of Fredonia,'" be taken from the general orders, and referred to the committee on the incorporation of cities and villages, with instructions to report the same complete.

Mr. Oakley, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act relative to taxes and jurors in the city of New-York;" the bill entitled "An act to authorise the appointment of a supreme court commissioner to reside at Mayville in the county of Chautauque, and for other purposes;" the bill entitled "An act to incorporate the Spencertown Academy;" the bill entitled "An act to vest certain powers in the board of supervisors of Sullivan county;" the bill entitled "An act to change the names of Stewart Skillman and Sarah Lisenard Skillman;" the bill entitled "An act for the relief of John Sanford and William Eggleston;" the bill entitled "An act to amend an act entitled 'An act in relation to highways in the counties of Hamilton, Herkimer and Fulton;" the bill entitled "An act to renew, amend and continue in force the act entitled 'An act to incorporate the Adirondack Iron and Steel Company,' passed April 12th, 1839;" and the bill entitled "An act to authorise the rector, churchwardens and vestrymen of Christ Church in the town of Rye in

the county of Westchester, to sell and convey certain real estate," and found the same severally correctly engrossed.

*Ordered,* That the said bills do have their third reading.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to incorporate the New-York and Richmond Steam Ferry Company;" the bill entitled "An act to incorporate the village of New-London;" the bill entitled "An act in relation to the State Prison at Auburn," and the bill entitled "An act to amend an act entitled 'An act to incorporate the Williamsburgh Fire Insurance Company,'" and found the same severally correctly engrossed.

*Ordered,* That the said bills do have their third reading.

Mr. De Puy, from the minority of the committee on two-third bills, to which was referred the bill entitled "An act to amend an act entitled 'An act incorporating the Long Island Railroad Company,' passed April 24th, 1834," asked for and obtained leave to submit a written report, which was read, and ordered to be laid on the table.

[See Document No. 242.]

Mr. Hine, from the committee on the erection and division of towns and counties, to which was referred the bill entitled "An act to annex a part of the city of Troy to the town of Brunswick," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Frisbee, from the committee on roads and bridges, to which was referred the bill entitled "An act to authorise certain individuals in the town of Edinburgh, Saratoga county, to loan money," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act for the election of two supervisors in the city of Utica," with instructions to report the same complete, reported, that the committee had examined the said bill, and made sundry amendments thereto, and saw no reason why the said amended bill should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered,* That the said bill be engrossed for a third reading.

By unanimous consent, on motion of Mr. Niven,

*Resolved,* That the bill entitled "An act to renew an act to provide for the construction of a railroad from the village of Warwick to the

New-York and Erie railroad," be referred to the committee on railroads, with instructions to report the same complete.

By unanimous consent, on motion of Mr. Edwards,

*Resolved*, That the bill entitled "An act to amend an act entitled 'An act to incorporate the New-York Equitable Insurance Company,' passed April 23d, 1843, and the several acts amendatory thereof," be ordered to be engrossed for a third reading.

The House then resolved itself into a committee of the whole, on the bill from the Senate, and also the bill reported in the Assembly, both entitled "An act to reduce the number of town officers and town and county expenses, and to prevent abuses in auditing town and county accounts;" on the bill entitled "An act to authorise the establishment of savings banks," and on the bill entitled "An act for the promotion of agricultural science;" and after some time spent thereon, Mr. Speaker resumed the chair, and announced that the hour of half past one o'clock had arrived.

Whereupon,

The House took a recess until half past three o'clock this afternoon.

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### HALF PAST THREE O'CLOCK P. M.

The House again met.

The House, in committee of the whole, resumed the consideration of the bills which were before said committee at the time of taking the recess; and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Russell, from the said committee, reported, that the committee had gone through the two several bills entitled "An act to reduce the number of town officers and town and county expenses, and to prevent abuses in auditing town and county accounts," and had made sundry amendments to the bill from the Senate, and agreed to the same; which he was directed to report to the house.

Mr. Raymond moved to lay the said report on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Raymond, and it was determined in the negative.

On motion of Mr. Bevens,

Mr. Speaker put the question whether the House would agree to the amendment to the first section, as adopted in committee of the whole, and it was determined in the affirmative.

Mr. J. Brooks moved to amend the twentieth section of the said bill, by adding the words "nor for more than half a day, unless engaged for more than four hours in the service."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. J. Brooks, and it was determined in the negative.

On motion of Mr. Coe,

The House then adjourned to ten o'clock to-morrow morning.



## FRIDAY, MAY 2, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Phillips.

The minutes of yesterday were read and approved.

The petition of sundry inhabitants of the village of Havana in the county of Chemung, praying for the removal of certain obstructions in the outlet of the Seneca lake, was read, and referred to the Canal Commissioners.

Three several remonstrances of sundry inhabitants of the county of Albany, against the erection of a bridge across the Hudson river at the city of Albany, were read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Chenango, praying for the passage of a law authorising the erection of a bridge across the Hudson river at the city of Albany, was read, and referred to the committee of the whole when on the bill upon that subject.

The petition of sundry inhabitants of the county of Schenectady, revoking their remonstrance against a bridge across the Hudson river at the city of Albany, and praying for the passage of a law authorising the construction of the same, was read, and referred to the committee of the whole when on the bill upon that subject.

Mr. Oakley, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act declaring a part of the Big Brokenstraw creek a public highway," and the bill entitled "An act for the relief of John Hutchings," and found the same severally correctly engrossed.

*Ordered,* That the said bills do have their third reading.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to amend an act entitled 'An act to incorporate the Leake and Watts Orphan House in the city of New-York,' passed March 7, 1831;" the bill entitled "An act to divide the town of Ellenburgh;" the bill entitled "An act authorising the surveyor general to release to the supervisor of the town of Oswegatchie a certain lot of land in said town;" the bill entitled "An act for the relief of Asa T. Smith;" and the bill entitled "An act in relation to stocks in monied corporations, held by the State, or by literary or charitable institutions," and found the same severally correctly engrossed.

*Ordered,* That the said bills do have their third reading.

Mr. White, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to amend the act entitled 'An act to incorporate the village of Fredonia,' with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

By unanimous consent, on motion of Mr. Blake,

*Resolved*, That the bill entitled "An act relative to the landing of alien passengers in the city of New-York," be ordered to have its third reading.

By unanimous consent, on motion of Mr. Tuthill,

*Resolved*, That the bill entitled "An act authorising Simeon Westfall to establish and continue a ferry across the Delaware river," be taken from the general orders, and referred to the committee on roads and bridges, with instructions to report the same complete.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to courts in the city and county of Albany, having criminal jurisdiction," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

On motion of Mr. Harris,

*Ordered*, That the said bill be engrossed for a third reading.

By unanimous consent,

Mr. M. Brooks offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill from the Senate, entitled "An act to reduce the number of town officers and town and county expenses, and to prevent abuses in auditing town and county accounts," together with the amendments made thereto in committee of the whole, be referred to a select committee, with instructions to report the same complete.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

*Ordered*, That Mr. M. Brooks, Mr. Hine, Mr. Chase, Mr. S. A. Brown and Mr. Hannum, be such committee.

A message from the Senate, with the bills therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act authorising Ira Fowler and Alfred Goodwin to continue a ferry across the Seneca lake ;" the bill entitled "An act for the relief of Ray Clarke, Ethan Ray Clarke and Samuel Ward Clarke ;" the bill entitled "An act relative to collector's fees in the town of Glenville, Schenectady county, and for other purposes ;" the bill entitled "An act to divide the town of Virgil ;" and the bill entitled "An act to amend an act entitled 'An act to consolidate and amend the act to incorporate the city of Rochester,' passed April 11th, 1844," severally without amendment.

*Ordered*, That the Clerk deliver the said bills to the Governor.

A message from the Senate, with the bills therein mentioned, was received and read, requesting the concurrence of the Assembly to the bill entitled "An act in relation to the members of fire companies and of hook and ladder companies ;" to the bill entitled "An act to allow transcripts of justice's judgments to be transferred from one county to another, and, when so transferred, to be a lien on real estate ;" to the bill entitled "An act concerning the district attorney of the county of Oneida ;" to the bill entitled "An act in relation to the Presbyterian Church of Amsterdam village ;" to the bill entitled "An act to repeal the several acts in relation to the State Hospital in the city of New-

York ;" to the bill entitled "An act for the relief of William M'Lachlin ;" to the bill entitled "An act to incorporate the village of Remsen ;" to the bill entitled "An act further to amend the act to incorporate the village of Ithaca, passed April 2d, 1821 ;" to the bill entitled "An act to authorise the mayor, aldermen and commonalty of the city of New-York to raise money by loan, and to create a public fund or stock, to be called Building Loan Stock No. 2 ;" to the bill entitled "An act to confirm the title to a lot of land situate in Wilna, Jefferson county, to the heirs of Paul M'Mannus deceased, an alien, and to their assigns ;" to the bill entitled "An act for the relief of John W. Wyckoff ;" to the bill entitled "An act to fix the place of holding the next annual town meeting in the town of Clay, Onondaga county ;" to the bill entitled "An act to amend an act entitled 'An act to establish a justice's court in the city of Hudson,' passed April 16th, 1822 ;" to the bill entitled "An act to enable Edward Burchell to take, hold and convey real estate ;" and to the bill entitled "An act to amend an act entitled 'An act in relation to the receiver of the Farmers' Bank of Orleans,' passed April 8th, 1845."

The said bills were severally read the first time, and by unanimous consent were also read a second time, and the bill entitled "An act in relation to the members of fire companies and of hook and ladder companies," was referred to the committee on the internal affairs of towns and counties ; the bill entitled "An act to allow transcripts of justice's judgments to be transferred from one county to another, and, when so transferred, to be a lien on real estate," was referred to the committee on the judiciary ; the bill entitled "An act concerning the district attorney of the county of Oneida," was referred to the committee on the judiciary ; the bill entitled "An act in relation to the Presbyterian Church of Amsterdam village," on motion of Mr. Fonda, was referred to the committee on charitable and religious societies, with instructions to report the same complete ; the bill entitled "An act to repeal the several acts in relation to the State Hospital in the city of New-York," was referred to the committee on charitable and religious societies ; the bill entitled "An act for the relief of William M'Lachlin," was referred to the committee on claims ; the bill entitled "An act to incorporate the village of Remsen," on motion of Mr. Billings, was referred to the committee on the incorporation of cities and villages, with instructions to report the same complete ; the bill entitled "An act further to amend the act to incorporate the village of Ithaca, passed April 2d, 1821," on motion of Mr. S. Miller, was referred to the committee on the incorporation of cities and villages, with instructions to report the same complete ; the bill entitled "An act to authorise the mayor, aldermen and commonalty of the city of New-York to raise money by loan, and to create a public fund or stock, to be called Building Loan Stock No. 2," on motion of Mr. Thompson, was referred to the committee on the internal affairs of towns and counties, with instructions to report the same complete ; the bill entitled "An act to confirm the title to a lot of land situate in Wilna, Jefferson county, to the heirs of Paul M'Mannus deceased, an alien, and to their assigns," was referred to the committee on the petitions of aliens ; the bill entitled "An act for the relief of



John W. Wyckoff," was referred to the committee on roads and bridges; the bill entitled "An act to fix the place of holding the next annual town meeting in the town of Clay, Onondaga county," on motion of Mr. M'Carthy, was referred to the committee on the internal affairs of towns and counties, with instructions to report the same complete; the bill entitled "An act to amend an act entitled 'An act to establish a justice's court in the city of Hudson,' passed April 16th, 1822," was referred to the committee on the judiciary; the bill entitled "An act to enable Edward Burchell to take, hold and convey real estate," was referred to the committee on the petitions of aliens; and the bill entitled "An act to amend an act entitled 'An act in relation to the receiver of the Farmers' Bank of Orleans,' passed April 8th, 1845," on motion of Mr. G. Goold, was referred to the committee on banks and insurance companies, with instructions to report the same complete.

A message from the Senate, with the bill therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act to authorise the supervisors of the county of Schoharie to levy a tax upon the town of Carlisle, for the relief of James Dana, William Youngs and David A. Richtmyer," with the amendments therewith delivered.

The said amendments having been read,

*Ordered*, That the said bill and amendments be referred to the committee on grievances.

A message from the Senate, with the bill therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act concerning attachments against absconding, concealed and non-resident debtors," with the amendments therewith delivered.

The said amendments having been read,

*Ordered*, That the said bill and amendments be referred to the committee on the judiciary.

A message from the Senate, with the bill therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act to authorise the common council of the city of Buffalo to borrow money, and for other purposes," with the amendments therewith delivered.

The said amendments having been read,

*Ordered*, That the said bill and amendments be referred to the committee on the internal affairs of towns and counties.

A message from the Senate, with the bill therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act to incorporate the Brooklyn City Hospital," with the amendments therewith delivered.

The said amendments having been read,

*Ordered*, That the said bill and amendments be referred to the committee on charitable and religious societies.

A message from the Senate, with the bill therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act to amend an act entitled 'An act to incorporate the Long Island Railroad Company,' with the amendments therewith delivered.



The said amendments having been read,

Mr. Van Valkenburgh moved that the House concur in the same.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Van Valkenburgh, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |
|---|--------|----|
| { | AYES   | 90 |
|   | NAYS   | 02 |
|   | ABSENT | 36 |

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bagg         | Mr. D. Gould     | Mr. Porter          |
| Mr. Barber       | Mr. G. Goold     | Mr. Preston         |
| Mr. Betts        | Mr. Gregory      | Mr. Raymond         |
| Mr. Bevins       | Mr. Hannum       | Mr. Rice            |
| Mr. Billings     | Mr. Harris       | Mr. Rogers          |
| Mr. Blake        | Mr. Hazelton     | Mr. Russell         |
| Mr. Bowen        | Mr. Hervey       | Mr. Searing         |
| Mr. J. Brooks    | Mr. Hine         | Mr. Skelton         |
| Mr. M. Brooks    | Mr. Horton       | Mr. A. C. Smith     |
| Mr. L. H. Brown  | Mr. Howard       | Mr. Speaker         |
| Mr. A. H. Buell  | Mr. Huntington   | Mr. Spring          |
| Mr. Bunker       | Mr. Kinne        | Mr. R. L. Stevenson |
| Mr. Carpenter    | Mr. Knapp        | Mr. Strobbridge     |
| Mr. Chase        | Mr. T. R. Lee    | Mr. Sweeney         |
| Mr. Coe          | Mr. Litchfield   | Mr. Tefft           |
| Mr. Collins      | Mr. Long         | Mr. Thayer          |
| Mr. Comstock     | Mr. M'Carthy     | Mr. Thompson        |
| Mr. Crain        | Mr. M'Donald     | Mr. Tibbits         |
| Mr. C. F. Crosby | Mr. M'Key        | Mr. Titus           |
| Mr. Culver       | Mr. M'Vean       | Mr. Tuthill         |
| Mr. Danforth     | Mr. Mann         | Mr. Van Schoonhoven |
| Mr. Dickson      | Mr. Mather       | Mr. Van Valkenburgh |
| Mr. Edwards      | Mr. Mersereau    | Mr. Walrath         |
| Mr. Fellows      | Mr. C. B. Miller | Mr. Wells           |
| Mr. Fenn         | Mr. S. Miller    | Mr. Wheeler         |
| Mr. Field        | Mr. Morris       | Mr. White           |
| Mr. Fonda        | Mr. Morrison     | Mr. Whitney         |
| Mr. Frisbee      | Mr. Newkirk      | Mr. Wilcox          |
| Mr. Garretson    | Mr. Oakley       | Mr. Wyckoff         |
| Mr. Giffard      | Mr. Pardee       | Mr. A. W. Young 90  |

Those who voted in the negative are

Mr. Bailey

Mr. Dewey

And those who were absent are

|                 |              |                  |
|-----------------|--------------|------------------|
| Mr. Bachman     | Mr. Dayton   | Mr. Niven        |
| Mr. Bloss       | Mr. De Puy   | Mr. Pierce       |
| Mr. Boughton    | Mr. Hall     | Mr. Ross         |
| Mr. Brower      | Mr. Hammond  | Mr. Sager        |
| Mr. S. A. Brown | Mr. Harden   | Mr. Salisbury    |
| Mr. T. Buel     | Mr. Heermans | Mr. Sears        |
| Mr. Burdick     | Mr. Hunt     | Mr. Sherman      |
| Mr. Bush        | Mr. Jarvis   | Mr. W. Smith     |
| Mr. Cameron     | Mr. Johnson  | Mr. J. Stevenson |
| Mr. Casner      | Mr. Jones    | Mr. Worden       |
| Mr. Constant    | Mr. D. Lee   | Mr. Wynant       |
| Mr. E. Crosby   | Mr. Moulton  | Mr. J. Young     |

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*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred with them in the said amendments, and amended the bill accordingly.

By unanimous consent,

Mr. Chase moved that the bill entitled "An act to erect the town of Ossinsing in the county of Westchester," be now read the third time.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Chase, and it was determined in the affirmative.

The said bill was then read the third time.

By unanimous consent,

Mr. T. R. Lee moved to amend said bill, by striking out the word "second," where it occurs before the word "Tuesday" in the second section, and inserting "third."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. T. R. Lee, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to the final passage of the said bill, as amended, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 94 | } |
| { | NAYS   | 00 | } |
| { | ABSENT | 34 | } |

Those who voted in the affirmative are

|               |              |             |
|---------------|--------------|-------------|
| Mr. Bachman   | Mr. D. Gould | Mr. Pardee  |
| Mr. Bagg      | Mr. G. Goold | Mr. Pierce  |
| Mr. Bailey    | Mr. Gregory  | Mr. Porter  |
| Mr. Barber    | Mr. Hannum   | Mr. Preston |
| Mr. Betts     | Mr. Harden   | Mr. Raymond |
| Mr. Billings  | Mr. Harris   | Mr. Rice    |
| Mr. Blake     | Mr. Hazelton | Mr. Rogers  |
| Mr. Bowen     | Mr. Hervey   | Mr. Russell |
| Mr. J. Brooks | Mr. Hane     | Mr. Searing |

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. M. Brooks    | Mr. Horton       | Mr. Skelton         |
| Mr. L. H. Brown  | Mr. Howard       | Mr. A. C. Smith     |
| Mr. A. H. Buell  | Mr. Huntington   | Mr. Speaker         |
| Mr. Bunker       | Mr. Kinne        | Mr. Spring          |
| Mr. Burdick      | Mr. Knapp        | Mr. J. Stevenson    |
| Mr. Carpenter    | Mr. T. R. Lee    | Mr. R. L. Stevenson |
| Mr. Chase        | Mr. Litchfield   | Mr. Strobbridge     |
| Mr. Coe          | Mr. Long         | Mr. Sweeney         |
| Mr. Collins      | Mr. M'Carthy     | Mr. Tefft           |
| Mr. Comstock     | Mr. M'Donald     | Mr. Thayer          |
| Mr. Crain        | Mr. M'Key        | Mr. Thompson        |
| Mr. C. F. Crosby | Mr. M'Vean       | Mr. Titus           |
| Mr. Culver       | Mr. Mann         | Mr. Tuthill         |
| Mr. Danforth     | Mr. Mather       | Mr. Van Schoonhoven |
| Mr. Dewey        | Mr. Mersereau    | Mr. Van Valkenburgh |
| Mr. Edwards      | Mr. C. B. Miller | Mr. Wells           |
| Mr. Fellows      | Mr. S. Miller    | Mr. Wheeler         |
| Mr. Fenn         | Mr. Morris       | Mr. White           |
| Mr. Field        | Mr. Morrison     | Mr. Whitney         |
| Mr. Fonda        | Mr. Newkirk      | Mr. Wilcox          |
| Mr. Frisbee      | Mr. Niven        | Mr. Wyckoff         |
| Mr. Garretson    | Mr. Oakley       | Mr. J. Young        |
| Mr. Giffard      |                  |                     |

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And those who were absent are

|                 |              |                 |
|-----------------|--------------|-----------------|
| Mr. Bevins      | Mr. De Puy   | Mr. Ross        |
| Mr. Bloss       | Mr. Dickson  | Mr. Sager       |
| Mr. Boughton    | Mr. Hall     | Mr. Salisbury   |
| Mr. Brower      | Mr. Hammond  | Mr. Sears       |
| Mr. S. A. Brown | Mr. Heermans | Mr. Sherman     |
| Mr. T. Buel     | Mr. Hunt     | Mr. W. Smith    |
| Mr. Bush        | Mr. Jarvis   | Mr. Tibbits     |
| Mr. Cameron     | Mr. Johnson  | Mr. Walrath     |
| Mr. Casner      | Mr. Jones    | Mr. Worden      |
| Mr. Constant    | Mr. D. Lee   | Mr. Wynant      |
| Mr. E. Crosby   | Mr. Moulton  | Mr. A. W. Young |
| Mr. Dayton      |              |                 |

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*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

By unanimous consent, on motion of Mr. Betts,

*Resolved*, That the petitions and papers on file, relating to the Union bridge, be referred to the committee having in charge that subject.

By unanimous consent, on motion of Mr. Coe,

*Resolved*, That the bill entitled "An act in relation to teacher's institutes, for the instruction of teachers of common schools," be taken from the general orders, and referred to the committee on colleges, academies and common schools, to report complete.

By unanimous consent, on motion of Mr. Van Schoonhoven,

*Resolved*, That the bill from the Senate, entitled "An act for the safe keeping of the cabinets of natural history, and for other purposes," be considered by the same committee of the whole that has in charge the bill entitled "An act to amend the charter of the Herkimer Manufacturing and Hydraulic Company."

By unanimous consent, on motion of Mr. C. F. Crosby,

*Resolved*, That the bill entitled "An act to amend the act incorporating the Albany Cemetery," be taken from the general orders, and ordered to a third reading.

By unanimous consent,

Mr. Thompson gave notice that he would, at an early day, ask leave to introduce a bill to increase the annual salary of the Canal Commissioners.

By unanimous consent, on motion of Mr. Comstock,

*Resolved*, That the bill entitled "An act to amend an act entitled 'An act to establish a recorder's court in the city of Utica, and for other purposes,' passed May 7th, 1844," be referred to the committee on the judiciary, to report complete.

*Ordered*, That Mr. Jones have leave of absence for the remainder of the session.

By unanimous consent,

Mr. Gregory moved that the bill entitled "An act to divide the town of Ellenburgh," be now read the third time.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Gregory, and it was determined in the affirmative.

The said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

On motion of Mr. Russell,

The engrossed bill entitled "An act authorising the surveyor general to release to the supervisor of the town of Oswegatchie a certain lot of land in said town," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. Russell, from the committee of the whole which had yesterday under consideration the bill entitled "An act to authorise the establishment of savings banks," and the bill entitled "An act for the promotion of agricultural science," reported progress on the said bills severally, and asked for and obtained leave to sit again.

The House then again resolved itself into a committee of the whole, on the bill entitled "An act authorising the construction of a bridge across Hudson's river at the city of Albany;" and after some time spent thereon, Mr. Speaker resumed the chair, and announced that the hour of half past one o'clock had arrived.

Whereupon,

The House took a recess until half past three o'clock this afternoon.



## HALF PAST THREE O'CLOCK P. M.

The House again met.

The bill entitled "An act to erect the town of Ossinsing in the county of Westchester," and the bill entitled "An act to amend an act to incorporate the Long Island Railroad Company," were returned from the Senate.

*Ordered*, That the Clerk deliver the said bills to the Governor.

A message from the Senate was received and read, informing that they had rejected the bill therewith returned, entitled "An act for the relief of Jacob Scramling."

By unanimous consent, on motion of Mr. C. F. Crosby,

*Resolved*, That the bill entitled "An act for the relief of the devisee of William Vyse, late of the city of New-York, deceased," be ordered to be engrossed for a third reading.

The House, in committee of the whole, resumed the consideration of the bill entitled "An act authorising the construction of a bridge across Hudson's river at the city of Albany;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Comstock, from the said committee, reported progress, and asked for leave to sit again.

Mr. T. R. Lee moved that the House take a recess until half past seven o'clock this evening.

Mr. M. Brooks moved that the House adjourn.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. M. Brooks, and it was determined in the affirmative.

The House then adjourned to ten o'clock to-morrow morning.

## SATURDAY, MAY 3, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Pohlman.

The minutes of yesterday were read and approved.

The remonstrance of sundry inhabitants of the county of Lewis, against abolishing the distinction between town and county poor in said county, was read, and referred to the committee of the whole when on the bill upon that subject.

The petition of the elders and deacons of the Reformed Dutch Church in the town of Marbletown in Ulster county, praying for the passage of an act authorising them to sell a part of their real estate, was read, and referred to the committee on charitable and religious societies.

The remonstrance of sundry inhabitants of the village of Rome in the county of Oneida, against the incorporation of the Rome Waterworks Company, was read, and referred to the committee of the whole when on the bill upon that subject.

Mr. Oakley, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to authorise the election of supervisors in the city of Utica ;" the bill entitled "An act for the relief of Isaac I. Yates ;" the bill entitled "An act for the relief of Mary Ann Van Riper;" the bill entitled "An act for the relief of John Whitehead ;" the bill entitled "An act for the relief of Baltis Simmons;" the bill entitled "An act for the relief of the heirs of Thomas Mott ;" and the bill entitled "An act to provide for the opening and clearing a channel for Mud creek, from the State road in Cicero in the county of Onondaga, to its junction with the Oneida river in the town of Clay," and found the same severally correctly engrossed.

*Ordered,* That the said bills do have their third reading.

Mr. M'Donald, from the committee on the incorporation of cities and villages, to which was referred the bill from the Senate, entitled "An act further to amend the act to incorporate the village of Ithaca, passed April 2d, 1821," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered,* That the said bill do have its third reading.

Mr. M'Donald, from the committee on the incorporation of cities and villages, to which was referred the bill from the Senate, entitled "An act to incorporate the village of Remsen," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered,* That the said bill do have its third reading.

Mr. Frisbee, from the committee on roads and bridges, to which was referred the bill entitled "An act authorising Simeon Westfall to establish and continue a ferry across the Delaware river," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Frisbee, from the committee on roads and bridges, to which was referred the bill from the Senate, entitled "An act for the relief of John W. Wyckoff," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered,* That the said bill be committed to a committee of the whole house.

Mr. Thompson, from the committee on charitable and religious societies, to which was referred the bill from the Senate, entitled "An act in relation to the Presbyterian Church of Amsterdam village," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill do have its third reading.

Mr. Thompson, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to incorporate the Brooklyn City Hospital," with the amendments of the Senate thereto, reported, that the committee had examined the said amendments, and do recommend that the House concur in the same.

Whereupon,

Mr. Speaker put the question whether the House would concur with the Senate in their amendments to the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |
|---|--------|----|
| { | AYES   | 92 |
|   | NAYS   | 00 |
| } | ABSENT | 36 |

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Harris       | Mr. Ross            |
| Mr. Bagg         | Mr. Heermans     | Mr. Russell         |
| Mr. Barber       | Mr. Hervey       | Mr. Searing         |
| Mr. Belts        | Mr. Hine         | Mr. Sears           |
| Mr. Bevens       | Mr. Horton       | Mr. Sherman         |
| Mr. Billings     | Mr. Howard       | Mr. Skelton         |
| Mr. Bowen        | Mr. Huntington   | Mr. A. C. Smith     |
| Mr. J. Brooks    | Mr. Kinne        | Mr. Speaker         |
| Mr. M. Brooks    | Mr. Knapp        | Mr. Spring          |
| Mr. L. H. Brown  | Mr. D. Lee       | Mr. J. Stevenson    |
| Mr. A. H. Buell  | Mr. T. R. Lee    | Mr. R. L. Stevenson |
| Mr. Bunker       | Mr. Litchfield   | Mr. Strobridge      |
| Mr. Burdick      | Mr. Long         | Mr. Sweeney         |
| Mr. Casner       | Mr. M'Carthy     | Mr. Tefft           |
| Mr. Chase        | Mr. M'Donald     | Mr. Thayer          |
| Mr. Coe          | Mr. M'Key        | Mr. Thompson        |
| Mr. Comstock     | Mr. M'Vean       | Mr. Tibbits         |
| Mr. Crain        | Mr. Mann         | Mr. Titus           |
| Mr. C. F. Crosby | Mr. Mather       | Mr. Tuthill         |
| Mr. Dewey        | Mr. Mersereau    | Mr. Van Schoonhoven |
| Mr. Dickson      | Mr. C. B. Miller | Mr. Van Valkenburgh |
| Mr. Edwards      | Mr. S. Miller    | Mr. Walrath         |
| Mr. Fellows      | Mr. Morrison     | Mr. Wells           |
| Mr. Field        | Mr. Oakley       | Mr. Wheeler         |
| Mr. Fonda        | Mr. Pardee       | Mr. White           |
| Mr. Frisbee      | Mr. Pierce       | Mr. Whitney         |
| Mr. Garretson    | Mr. Porter       | Mr. Wilcox          |
| Mr. D. Gould     | Mr. Preston      | Mr. Wyckoff         |
| Mr. G. Goold     | Mr. Raymond      | Mr. Wynant          |
| Mr. Hannum       | Mr. Rice         | Mr. A. W. Young     |
| Mr. Harden       | Mr. Rogers       |                     |

And those who were absent are

|                 |               |               |
|-----------------|---------------|---------------|
| Mr. Bailey      | Mr. E. Crosby | Mr. Jarvis    |
| Mr. Blake       | Mr. Culver    | Mr. Johnson   |
| Mr. Bloss       | Mr. Danforth  | Mr. Jones     |
| Mr. Boughton    | Mr. Dayton    | Mr. Morris    |
| Mr. Brower      | Mr. De Puy    | Mr. Moulton   |
| Mr. S. A. Brown | Mr. Fenn      | Mr. Newkirk   |
| Mr. T. Buel     | Mr. Giffard   | Mr. Niven     |
| Mr. Bush        | Mr. Gregory   | Mr. Sager     |
| Mr. Cameron     | Mr. Hall      | Mr. Salisbury |
| Mr. Carpenter   | Mr. Hammond   | Mr. W. Smith  |
| Mr. Collins     | Mr. Hazelton  | Mr. Worden    |
| Mr. Constant    | Mr. Hunt      | Mr. J. Young  |

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*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred with them in the said amendments, and amended the bill accordingly.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act in regard to the courts of common pleas and general sessions in the county of Allegany," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the bill from the Senate, entitled "An act to fix the place of holding the next annual town meeting in the town of Clay, Onondaga county," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill do have its third reading.

By unanimous consent, on motion of Mr. D. Gould,

*Resolved*, That the bill entitled "An act amendatory of an act to amend an act incorporating the Utica and Schenectady Railroad Company," be taken from the general orders, and referred to the committee on railroads, to report complete.

By unanimous consent,

Mr. Morrison, from the select committee to which was referred the bill from the Senate, entitled "An act to facilitate the construction of Morse's electro-magnetic telegraph," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.



By unanimous consent, on motion of Mr. Russell,

*Resolved*, That the bill from the Senate, entitled "An act in relation to the census or enumeration of the inhabitants of the State," be referred to a select committee to report complete.

*Ordered*, That Mr. J. Young, Mr. Russell, Mr. M. Brooks, Mr. L. H. Brown and Mr. Bowen, be such committee.

By unanimous consent, on motion of Mr. Hine,

*Resolved*, That the bill from the Senate, entitled "An act for the better security of mechanics and others erecting buildings and furnishing materials therefor in the town of Kingston in the county of Ulster," be referred to a select committee to report complete.

*Ordered*, That Mr. Hine, Mr. Morrison, Mr. J. Brooks, Mr. Mac Carthy and Mr. Wynant, be such committee.

By unanimous consent, on motion of Mr. Morrison,

*Resolved*, That the bill entitled "An act to repeal an act in relation to the building of a jail in the county of Hamilton, passed May 22d, 1844," be taken from the general orders, and ordered to be engrossed for a third reading.

Mr. A. H. Buell, from the committee on banks and insurance companies, to which was referred the bill from the Senate, entitled "An act to amend an act entitled 'An act in relation to the receiver of the Farmers' Bank of Orleans,' passed April 8th, 1845," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill do have its third reading.

By unanimous consent, on motion of Mr. Chase,

*Resolved*, That the bill entitled "An act allowing William Wickham the right of fishing opposite his lots in Troupsville," be taken from the general orders, and ordered to be engrossed for a third reading.

Mr. Van Valkenburgh, from the committee on railroads, to which was referred the bill entitled "An act to revive the act to provide for the construction of a railroad from the village of Warwick to the New-York and Erie railroad, passed May 13th, 1837, and the act amendatory, passed April 12, 1844," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

By unanimous consent, on motion of Mr. M. Brooks,

*Resolved*, That the bill entitled "An act to confirm the official acts of Birdseye Norton," be taken from the general orders, and ordered to be engrossed for a third reading.

Mr. M'Carthy, from the committee on the petitions of aliens, to which was referred the bill entitled "An act for the relief of Henry Archer, Mary the wife of John Smith, Jane Archer, Elizabeth Archer and Martin Archer, devisees of John Archer, late of the county of Clinton, deceased ;" the bill entitled "An act authorising David Quail, an alien,

to take, hold and convey real estate ;" the bill entitled "An act for the relief of Calvin Burr and Nathan Burr ;" the bill entitled "An act for the relief of Susan Loyd and Mary Hole ;" the bill entitled "An act for the relief of the heirs at law of James Martin ;" the bill entitled "An act for the relief of Mary Agnes Titus, Elizabeth Titus, Jane Titus, James Henry Titus, Martha Titus, Abiel Titus, Ruth M. Baker (the wife of John O. Baker), and Ann Eliza Kermit Dean and William Philip Dean ;" and the bill from the Senate, entitled "An act to confirm the title to a lot of land situate in Wilna, Jefferson county, to the heirs of Paul M'Mannus deceased, an alien, and to their assigns," reported, that the same are covered by the general law upon that subject, and that the said bills do not require any further action by this house, and recommended that they do lie on the table.

*Ordered*, That the said bills be laid on the table.

Mr. M'Carthy, from the committee on the petitions of aliens, to which was referred the bill entitled "An act for the relief of John Allerthorn, an alien ;" and the bill entitled "An act to amend an act entitled 'An act for the relief of the heirs of William Dunn,' passed April 17th, 1844," reported, that the said bills do not come within the provisions of the general law upon that subject, and recommended that the same be passed into laws.

*Ordered*, That the said bills be engrossed for a third reading.

Mr. M'Carthy, from the committee on the petitions of aliens, to which was referred the bill from the Senate, entitled "An act to enable Edward Burchell to take, hold and convey real estate," reported, that the committee had examined the said bill, and do recommend that the same be rejected.

*Ordered*, That the said bill be committed to a committee of the whole house.

By unanimous consent, and

In pursuance of previous notice, Mr. Niven asked for and obtained leave to bring in a bill, entitled "An act requiring the Delaware and Hudson Canal Company to pass boats on their canal, and for regulating tolls thereon ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

By unanimous consent, on motion of Mr. Wynant,

*Resolved*, That the bill entitled "An act relative to insane persons in the county of Kings," be taken from the committee of the whole, and ordered to a third reading.

By unanimous consent, on motion of Mr. Titus,

*Resolved*, That the bill entitled "An act for the better security of mechanics and others erecting buildings and furnishing materials therefor in this State (except such cities and villages as are provided for in two several acts, passed April 29th, and May 7th, 1844)," be taken from the general orders, and referred to the committee on trade and manufactures, to be reported complete.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act for the relief of John J. Hopper ;" the bill entitled "An act for the relief of Amos W.

Scriven ;" the bill entitled "An act for the relief of Aaron Knapp ;" the bill entitled "An act for the relief of Daniel Conyne ;" the bill entitled "An act for the relief of John E. Foley ;" the bill entitled "An act to incorporate the Urbana Woolen Manufacturing Company," and the bill entitled "An act for the relief of William Vandervoort," and found the same severally correctly engrossed.

*Ordered,* That the said bills do have their third reading.

Mr. Harden, from the committee on colleges, academies and common schools, to which was referred the bill entitled "An act in relation to teacher's institutes, for the instruction of teachers of common schools," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered,* That the said bill be engrossed for a third reading.

By unanimous consent, on motion of Mr. T. R. Lee,

*Resolved,* That the bill entitled "An act in relation to judgments upon recognizances filed with the county clerk of the city and county of New-York," be taken from the general orders, and ordered to have a third reading.

Mr. Carpenter, from the committee on grievances, to which was referred the bill entitled "An act to authorise the supervisors of the county of Schoharie to levy a tax upon the town of Carlisle, for the relief of James Dana, William Youngs and David A. Richtmyer," with the amendments of the Senate thereto, reported, that the committee had examined the said amendments, and do recommend that the House concur in the same.

Whereupon,

Mr. Speaker put the question whether the House would concur with the Senate in their amendments to the said bill, and it was determined in the affirmative.

*Ordered,* That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred with them in the said amendments, and amended the bill accordingly.

By unanimous consent, on motion of Mr. M'Vean,

*Resolved,* That the bill entitled "An act to incorporate the Scottsville Cotton and Woolen Manufacturing Company near Scottsville, town of Wheatland, Monroe county," be referred to the committee on trade and manufactures, with instructions to report the same complete.

Mr. Hervey, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to incorporate the Shamrock Benevolent Association of the city of Troy," with instructions to report the same complete, reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Ross, from the committee on the incorporation of cities and vil-



lages, to which was referred the bill entitled "An act to incorporate the Rome Waterworks Company," with instructions to report the same complete, reported, that the committee had examined the said bill, and made sundry amendments thereto, and saw no reason why the said amended bill should not be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

By unanimous consent, on motion of Mr. Bevins,

The House then proceeded to the consideration of the report of the committee of the whole, on the bill entitled "An act for the relief of Homer Caswell."

Mr. Speaker put the question whether the House would agree with the committee of the whole in their report on the said bill, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. L. H. Brown, from the select committee to which was referred the bill from the Senate, entitled "An act to establish and regulate ferries between the city of New-York and Long island," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Wheeler moved to recommit the said bill to the select committee which reported the same.

Mr. Oakley called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Whereupon,

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Wheeler, and it was determined in the negative.

Mr. Wyckoff moved that the said bill be ordered to a third reading.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Wyckoff, and it was determined in the affirmative.

Mr. Harris moved that the order of business, consisting of "Third reading of bills," be passed over.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Harris, and it was determined in the negative.

On motion of Mr. D. Lee,

The House proceeded to the consideration of the motion made on a previous day, to reconsider the vote on the final passage of the bill entitled "An act to amend an act entitled 'An act to incorporate the Mutual Insurance Company of Buffalo.'"

Mr. Speaker put the question whether the House would agree to the said motion, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows:

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 86 | } |
|   | NAYS   | 03 |   |
|   | ABSENT | 39 |   |



## Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Harris       | Mr. Rice            |
| Mr. Bagg         | Mr. Heermans     | Mr. Rogers          |
| Mr. Bailey       | Mr. Hervey       | Mr. Ross            |
| Mr. Barber       | Mr. Hine         | Mr. Russell         |
| Mr. Betts        | Mr. Howard       | Mr. Searing         |
| Mr. Bevens       | Mr. Kinne        | Mr. Sears           |
| Mr. Billings     | Mr. Knapp        | Mr. Sherman         |
| Mr. Bowen        | Mr. D. Lee       | Mr. A. C. Smith     |
| Mr. J. Brooks    | Mr. T. R. Lee    | Mr. Speaker         |
| Mr. M. Brooks    | Mr. Litchfield   | Mr. Spring          |
| Mr. L. H. Brown  | Mr. Long         | Mr. J. Stevenson    |
| Mr. Bunker       | Mr. M'Carthy     | Mr. R. L. Stevenson |
| Mr. Burdick      | Mr. M'Donald     | Mr. Sweeney         |
| Mr. Casner       | Mr. M'Vean       | Mr. Tefft           |
| Mr. Collins      | Mr. Mann         | Mr. Thayer          |
| Mr. Comstock     | Mr. Mather       | Mr. Thompson        |
| Mr. C. F. Crosby | Mr. Mersereau    | Mr. Tibbits         |
| Mr. Danforth     | Mr. C. B. Miller | Mr. Titus           |
| Mr. Dewey        | Mr. S. Miller    | Mr. Tuthill         |
| Mr. Dickson      | Mr. Morris       | Mr. Van Schoonhoven |
| Mr. Edwards      | Mr. Morrison     | Mr. Wells           |
| Mr. Fellows      | Mr. Newkirk      | Mr. Wheeler         |
| Mr. Field        | Mr. Niven        | Mr. White           |
| Mr. Fonda        | Mr. Oakley       | Mr. Whitney         |
| Mr. Frisbee      | Mr. Pardee       | Mr. Wilcox          |
| Mr. Garretson    | Mr. Pierce       | Mr. Wyckoff         |
| Mr. G. Gould     | Mr. Porter       | Mr. Wynant          |
| Mr. Gregory      | Mr. Preston      | Mr. A. W. Young     |
| Mr. Hannum       | Mr. Raymond      |                     |

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## Those who voted in the negative are

|               |           |           |   |
|---------------|-----------|-----------|---|
| Mr. Carpenter | Mr. Chase | Mr. Crain | 3 |
|---------------|-----------|-----------|---|

## And those who were absent are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Blake       | Mr. Dayton     | Mr. Johnson         |
| Mr. Bloss       | Mr. De Puy     | Mr. Jones           |
| Mr. Boughton    | Mr. Fenn       | Mr. M'Key           |
| Mr. Brower      | Mr. Gifford    | Mr. Moulton         |
| Mr. S. A. Brown | Mr. D. Gould   | Mr. Sager           |
| Mr. A. H. Buell | Mr. Hall       | Mr. Salisbury       |
| Mr. T. Buel     | Mr. Hammond    | Mr. Skelton         |
| Mr. Bush        | Mr. Harden     | Mr. W. Smith        |
| Mr. Cameron     | Mr. Hazelton   | Mr. Strobbridge     |
| Mr. Coe         | Mr. Horton     | Mr. Van Valkenburgh |
| Mr. Constant    | Mr. Hunt       | Mr. Walrath         |
| Mr. E. Crosby   | Mr. Huntington | Mr. Worden          |
| Mr. Culver      | Mr. Jarvis     | Mr. J. Young        |

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Whereupon,

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 88 | } |
| { | NAYS   | 03 | } |
| { | ABSENT | 37 | } |

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Hervey       | Mr. Rogers          |
| Mr. Bagg         | Mr. Hine         | Mr. Ross            |
| Mr. Barber       | Mr. Howard       | Mr. Russell         |
| Mr. Betts        | Mr. Huntington   | Mr. Searing         |
| Mr. Bevins       | Mr. Kinne        | Mr. Sears           |
| Mr. Billings     | Mr. Knapp        | Mr. Sherman         |
| Mr. Bowen        | Mr. D. Lee       | Mr. Skelton         |
| Mr. J. Brooks    | Mr. T. R. Lee    | Mr. A. C. Smith     |
| Mr. L. H. Brown  | Mr. Litchfield   | Mr. Speaker         |
| Mr. Bunker       | Mr. Long         | Mr. Spring          |
| Mr. Burdick      | Mr. M'Carthy     | Mr. J. Stevenson    |
| Mr. Casner       | Mr. M'Donald     | Mr. R. L. Stevenson |
| Mr. Collins      | Mr. M'Vean       | Mr. Sweeney         |
| Mr. Comstock     | Mr. Mann         | Mr. Tefft           |
| Mr. C. F. Crosby | Mr. Mather       | Mr. Thayer          |
| Mr. Danforth     | Mr. Mersereau    | Mr. Thompson        |
| Mr. Dewey        | Mr. C. B. Miller | Mr. Tibbits         |
| Mr. Dickson      | Mr. S. Miller    | Mr. Titus           |
| Mr. Edwards      | Mr. Morris       | Mr. Tuthill         |
| Mr. Fellows      | Mr. Morrison     | Mr. Van Schoonhoven |
| Mr. Field        | Mr. Newkirk      | Mr. Van Valkenburgh |
| Mr. Fonda        | Mr. Niven        | Mr. Walrath         |
| Mr. Frisbee      | Mr. Oakley       | Mr. Wells           |
| Mr. Garretson    | Mr. Pardee       | Mr. Wheeler         |
| Mr. D. Gould     | Mr. Pierce       | Mr. White           |
| Mr. G. Goold     | Mr. Porter       | Mr. Wilcox          |
| Mr. Gregory      | Mr. Preston      | Mr. Wyckoff         |
| Mr. Hannum       | Mr. Raymond      | Mr. Wynant          |
| Mr. Harden       | Mr. Rice         | Mr. A. W. Young     |
| Mr. Harris       |                  |                     |

88

Those who voted in the negative are

|               |           |           |   |
|---------------|-----------|-----------|---|
| Mr. Carpenter | Mr. Chase | Mr. Crain | 3 |
|---------------|-----------|-----------|---|

And those who were absent are

|            |               |             |
|------------|---------------|-------------|
| Mr. Bailey | Mr. E. Crosby | Mr. Jarvis  |
| Mr. Blake  | Mr. Culver    | Mr. Johnson |

|                 |              |               |
|-----------------|--------------|---------------|
| Mr. Bloss       | Mr. Dayton   | Mr. Jones     |
| Mr. Boughton    | Mr. De Puy   | Mr. M'Key     |
| Mr. M. Brooks   | Mr. Fenn     | Mr. Moulton   |
| Mr. Brower      | Mr. Giffard  | Mr. Sager     |
| Mr. S. A. Brown | Mr. Hall     | Mr. Salisbury |
| Mr. A. H. Buell | Mr. Hammond  | Mr. W. Smith  |
| Mr. T. Buel     | Mr. Hazelton | Mr. Strobidge |
| Mr. Bush        | Mr. Heermans | Mr. Whitney   |
| Mr. Cameron     | Mr. Horton   | Mr. Worden    |
| Mr. Coe         | Mr. Hunt     | Mr. J. Young  |
| Mr. Constant    |              |               |

37

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to authorise the trustees of the Presbyterian Church and Society in the town of Dansville in the county of Steuben, to sell their real estate," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 93 | } |
| { | NAYS   | 00 | } |
| { | ABSENT | 35 | } |

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Harden       | Mr. Raymond         |
| Mr. Bagg         | Mr. Harris       | Mr. Rice            |
| Mr. Bailey       | Mr. Heermans     | Mr. Rogers          |
| Mr. Barber       | Mr. Hervey       | Mr. Ross            |
| Mr. Betts        | Mr. Hine         | Mr. Russell         |
| Mr. Bevins       | Mr. Howard       | Mr. Searing         |
| Mr. Billings     | Mr. Huntington   | Mr. Sears           |
| Mr. Bowen        | Mr. Kinne        | Mr. Sherman         |
| Mr. J. Brooks    | Mr. Knapp        | Mr. Skelton         |
| Mr. M. Brooks    | Mr. D. Lee       | Mr. A. C. Smith     |
| Mr. Bunker       | Mr. T. R. Lee    | Mr. Speaker         |
| Mr. Carpenter    | Mr. Litchfield   | Mr. Spring          |
| Mr. Casner       | Mr. Long         | Mr. J. Stevenson    |
| Mr. Chase        | Mr. M'Carthy     | Mr. R. L. Stevenson |
| Mr. Collins      | Mr. M'Donald     | Mr. Sweeney         |
| Mr. Comstock     | Mr. M'Key        | Mr. Tefft           |
| Mr. Crain        | Mr. M'Vean       | Mr. Thayer          |
| Mr. C. F. Crosby | Mr. Mann         | Mr. Thompson        |
| Mr. Danforth     | Mr. Mather       | Mr. Tibbits         |
| Mr. De Puy       | Mr. Mersereau    | Mr. Titus           |
| Mr. Dewey        | Mr. C. B. Miller | Mr. Tuthill         |
| Mr. Dickson      | Mr. S. Miller    | Mr. Van Schoonhoven |

|               |              |                     |
|---------------|--------------|---------------------|
| Mr. Edwards   | Mr. Morris   | Mr. Van Valkenburgh |
| Mr. Fellows   | Mr. Morrison | Mr. Walrath         |
| Mr. Field     | Mr. Newkirk  | Mr. Wells           |
| Mr. Frisbee   | Mr. Niven    | Mr. Wheeler         |
| Mr. Garretson | Mr. Oakley   | Mr. White           |
| Mr. D. Gould  | Mr. Pardee   | Mr. Wilcox          |
| Mr. G. Goold  | Mr. Pierce   | Mr. Wyckoff         |
| Mr. Gregory   | Mr. Porter   | Mr. Wynant          |
| Mr. Hannum    | Mr. Preston  | Mr. A. W. Young 93  |

And those who were absent are

|                 |               |               |
|-----------------|---------------|---------------|
| Mr. Blake       | Mr. Constant  | Mr. Jarvis    |
| Mr. Bloss       | Mr. E. Crosby | Mr. Johnson   |
| Mr. Boughton    | Mr. Culver    | Mr. Jones     |
| Mr. Brower      | Mr. Dayton    | Mr. Moulton   |
| Mr. L. H. Brown | Mr. Fenn      | Mr. Sager     |
| Mr. S. A. Brown | Mr. Fonda     | Mr. Salisbury |
| Mr. A. H. Buell | Mr. Giffard   | Mr. W. Smith  |
| Mr. T. Buel     | Mr. Hall      | Mr. Stobridge |
| Mr. Burdick     | Mr. Hammond   | Mr. Whitney   |
| Mr. Bush        | Mr. Hazelton  | Mr. Worden    |
| Mr. Cameron     | Mr. Horton    | Mr. J. Young  |
| Mr. Coe         | Mr. Hunt      | 35            |

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to incorporate the Fonda Academy," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 89 | } |
| { | NAYS   | 00 | } |
| { | ABSENT | 39 | } |

Those who voted in the affirmative are

|                 |                |                 |
|-----------------|----------------|-----------------|
| Mr. Bachman     | Mr. Harden     | Mr. Rice        |
| Mr. Bagg        | Mr. Harris     | Mr. Rogers      |
| Mr. Bailey      | Mr. Heermans   | Mr. Ross        |
| Mr. Barber      | Mr. Hervey     | Mr. Russell     |
| Mr. Betts       | Mr. Howard     | Mr. Searing     |
| Mr. Bevins      | Mr. Huntington | Mr. Sears       |
| Mr. Billings    | Mr. Kinne      | Mr. Sherman     |
| Mr. Bowen       | Mr. Knapp      | Mr. Skelton     |
| Mr. L. H. Brown | Mr. D. Lee     | Mr. A. C. Smith |
| Mr. A. H. Buell | Mr. T. R. Lee  | Mr. Speaker     |



|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bunker       | Mr. Litchfield   | Mr. Spring          |
| Mr. Burdick      | Mr. Long         | Mr. J. Stevenson    |
| Mr. Carpenter    | Mr. M'Carthy     | Mr. R. L. Stevenson |
| Mr. Casner       | Mr. M'Donald     | Mr. Sweeney         |
| Mr. Chase        | Mr. M'Key        | Mr. Thompson        |
| Mr. Collins      | Mr. M'Vean       | Mr. Tibbits         |
| Mr. Comstock     | Mr. Mann         | Mr. Titus           |
| Mr. Crain        | Mr. Mather       | Mr. Tuthill         |
| Mr. C. F. Crosby | Mr. Mersereau    | Mr. Van Schoonhoven |
| Mr. Danforth     | Mr. C. B. Miller | Mr. Van Valkenburgh |
| Mr. De Puy       | Mr. S. Miller    | Mr. Walrath         |
| Mr. Dewey        | Mr. Morris       | Mr. Wells           |
| Mr. Edwards      | Mr. Morrison     | Mr. Wheeler         |
| Mr. Fellows      | Mr. Newkirk      | Mr. White           |
| Mr. Field        | Mr. Niven        | Mr. Whitney         |
| Mr. Frisbee      | Mr. Oakley       | Mr. Wilcox          |
| Mr. D. Gould     | Mr. Pardee       | Mr. Wyckoff         |
| Mr. G. Gould     | Mr. Pierce       | Mr. Wynant          |
| Mr. Gregory      | Mr. Preston      | Mr. A. W. Young     |
| Mr. Hannum       | Mr. Raymond      |                     |

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And those who were absent are

|                 |               |                 |
|-----------------|---------------|-----------------|
| Mr. Blake       | Mr. Culver    | Mr. Jarvis      |
| Mr. Bloss       | Mr. Dayton    | Mr. Johnson     |
| Mr. Boughton    | Mr. Dickson   | Mr. Jones       |
| Mr. J. Brooks   | Mr. Fenn      | Mr. Moulton     |
| Mr. M. Brooks   | Mr. Fonda     | Mr. Porter      |
| Mr. Brower      | Mr. Garretson | Mr. Sager       |
| Mr. S. A. Brown | Mr. Giffard   | Mr. Salisbury   |
| Mr. T. Buel     | Mr. Hall      | Mr. W. Smith    |
| Mr. Bush        | Mr. Hammond   | Mr. Strobbridge |
| Mr. Cameron     | Mr. Hazelton  | Mr. Tefft       |
| Mr. Coe         | Mr. Hine      | Mr. Thayer      |
| Mr. Constant    | Mr. Horton    | Mr. Worden      |
| Mr. E. Crosby   | Mr. Hunt      | Mr. J. Young    |

39

*Ordered,* That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to incorporate the Mutual Benefit Life Insurance Company," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 87 | } |
| { | NAYS   | 07 | } |
| { | ABSENT | 34 | } |

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Hannum       | Mr. Rogers          |
| Mr. Bagg         | Mr. Harden       | Mr. Ross            |
| Mr. Barber       | Mr. Harris       | Mr. Searing         |
| Mr. Betts        | Mr. Heermans     | Mr. Sears           |
| Mr. Bevens       | Mr. Hervey       | Mr. Sherman         |
| Mr. Billings     | Mr. Hine         | Mr. Skelton         |
| Mr. Bowen        | Mr. Howard       | Mr. A. C. Smith     |
| Mr. J. Brooks    | Mr. Huntington   | Mr. Speaker         |
| Mr. M. Brooks    | Mr. Kinne        | Mr. Spring          |
| Mr. L. H. Brown  | Mr. Knapp        | Mr. J. Stevenson    |
| Mr. A. H. Buell  | Mr. D. Lee       | Mr. R. L. Stevenson |
| Mr. Bunker       | Mr. Long         | Mr. Sweeney         |
| Mr. Burdick      | Mr. M'Donald     | Mr. Tefft           |
| Mr. Casner       | Mr. M'Key        | Mr. Thayer          |
| Mr. Collins      | Mr. M'Vean       | Mr. Thompson        |
| Mr. Comstock     | Mr. Mann         | Mr. Tibbits         |
| Mr. C. F. Crosoy | Mr. Mather       | Mr. Titus           |
| Mr. Danforth     | Mr. Mersereau    | Mr. Tuthill         |
| Mr. De Puy       | Mr. C. B. Miller | Mr. Van Schoonhoven |
| Mr. Dewey        | Mr. S. Miller    | Mr. Van Valkenburgh |
| Mr. Edwards      | Mr. Morris       | Mr. Walrath         |
| Mr. Fellows      | Mr. Morrison     | Mr. Wells           |
| Mr. Field        | Mr. Newkirk      | Mr. Wheeler         |
| Mr. Fonda        | Mr. Niven        | Mr. White           |
| Mr. Frisbee      | Mr. Oakley       | Mr. Whitney         |
| Mr. Garretson    | Mr. Pardee       | Mr. Wilcox          |
| Mr. D. Gould     | Mr. Pierce       | Mr. Wyckoff         |
| Mr. G. Goold     | Mr. Raymond      | Mr. Wynant          |
| Mr. Gregory      | Mr. Rice         | Mr. A. W. Young 87  |

Those who voted in the negative are

|               |                |              |
|---------------|----------------|--------------|
| Mr. Bailey    | Mr. Crain      | Mr. M'Carthy |
| Mr. Carpenter | Mr. Dickson    | Mr. Russell  |
| Mr. Chase     | Mr. Litchfield | 8            |

And those who were absent are

|                 |              |                 |
|-----------------|--------------|-----------------|
| Mr. Blake       | Mr. Culver   | Mr. Jones       |
| Mr. Bloss       | Mr. Dayton   | Mr. T. R. Lee   |
| Mr. Boughton    | Mr. Fenn     | Mr. Moulton     |
| Mr. Brower      | Mr. Giffard  | Mr. Porter      |
| Mr. S. A. Brown | Mr. Hall     | Mr. Preston     |
| Mr. T. Buel     | Mr. Hammond  | Mr. Sager       |
| Mr. Bush        | Mr. Hazelton | Mr. Salisbury   |
| Mr. Cameron     | Mr. Horton   | Mr. W. Smith    |
| Mr. Coe         | Mr. Hunt     | Mr. Strobbridge |
| Mr. Constant    | Mr. Jarvis   | Mr. Worden      |
| Mr. E. Crosby   | Mr. Johnson  | Mr. J. Young 33 |

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

By unanimous consent,

Mr. Comstock offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That hereafter, on all questions which shall be taken by ayes and nays, the names of the absentees shall be published in the papers of this city, under the direction of the Clerk of this House.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Leave of absence was asked for by Mr. Bush for two days, by Mr. Boughton for two days, by Mr. Horton for two days, by Mr. Hall for ten days, by Mr. Hannum for this afternoon, by Mr. S. A. Brown for three days, by Mr. M'Vean for this afternoon, by Mr. Litchfield for three days, by Mr. Ross for six days, by Mr. Bunker for one day, and by Mr. Heermans for this afternoon.

Mr. Speaker put the question whether the House would grant such leave, and it was determined in the negative.

By unanimous consent,

Mr. Morrison offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That all members who shall, on and after Monday next, be absent without leave on the final passage of any bill, shall receive no pay during such absence, except the same shall be caused by sickness, to be shown to the satisfaction of the Chair.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

The engrossed bill entitled "An act to amend an act in relation to highways in the counties of Hamilton, Herkimer and Fulton," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to incorporate the trustees for the management and care of the fund for the support of the Episcopate of the Diocese of New-York," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |
|---|--------|----|
| { | AYES   | 94 |
| { | NAYS   | 00 |
| { | ABSENT | 34 |

Those who voted in the affirmative are

Mr. Bachman  
Mr. Bagg  
Mr. Bailey

Mr. D. Gould  
Mr. G. Goold  
Mr. Gregory

Mr. Preston  
Mr. Raymond  
Mr. Rice

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Barber       | Mr. Hannum       | Mr. Rogers          |
| Mr. Betts        | Mr. Harris       | Mr. Ross            |
| Mr. Bevens       | Mr. Hervey       | Mr. Russell         |
| Mr. Billings     | Mr. Hine         | Mr. Sears           |
| Mr. Bowen        | Mr. Howard       | Mr. Sherman         |
| Mr. J. Brooks    | Mr. Huntington   | Mr. Skelton         |
| Mr. M. Brooks    | Mr. Kinne        | Mr. A. C. Smith     |
| Mr. L. H. Brown  | Mr. Knapp        | Mr. Speaker         |
| Mr. A. H. Buell  | Mr. D. Lee       | Mr. Spring          |
| Mr. Bunker       | Mr. Litchfield   | Mr. J. Stevenson    |
| Mr. Burdick      | Mr. Long         | Mr. R. L. Stevenson |
| Mr. Carpenter    | Mr. M'Carthy     | Mr. Sweeney         |
| Mr. Casner       | Mr. M'Donald     | Mr. Tefft           |
| Mr. Chase        | Mr. M'Key        | Mr. Thayer          |
| Mr. Coe          | Mr. M'Vean       | Mr. Thompson        |
| Mr. Collins      | Mr. Mann         | Mr. Tibbits         |
| Mr. Comstock     | Mr. Mather       | Mr. Titus           |
| Mr. Crain        | Mr. Mersereau    | Mr. Tuthill         |
| Mr. C. F. Crosby | Mr. C. B. Miller | Mr. Van Schoonhoven |
| Mr. Danforth     | Mr. S. Miller    | Mr. Van Valkenburgh |
| Mr. De Puy       | Mr. Morris       | Mr. Wells           |
| Mr. Dewey        | Mr. Morrison     | Mr. Wheeler         |
| Mr. Dickson      | Mr. Newkirk      | Mr. White           |
| Mr. Edwards      | Mr. Niven        | Mr. Whitney         |
| Mr. Fellows      | Mr. Oakley       | Mr. Wilcox          |
| Mr. Field        | Mr. Pardee       | Mr. Wyckoff         |
| Mr. Fonda        | Mr. Pierce       | Mr. Wynant          |
| Mr. Frisbee      | Mr. Porter       | Mr. A. W. Young     |
| Mr. Garretson    |                  |                     |

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And those who were absent are

|                 |              |                 |
|-----------------|--------------|-----------------|
| Mr. Blake       | Mr. Fenn     | Mr. Jones       |
| Mr. Bloss       | Mr. Giffard  | Mr. T. R. Lee   |
| Mr. Boughton    | Mr. Hall     | Mr. Moulton     |
| Mr. Brower      | Mr. Hammond  | Mr. Sager       |
| Mr. S. A. Brown | Mr. Harden   | Mr. Salisbury   |
| Mr. T. Buel     | Mr. Hazelton | Mr. Searing     |
| Mr. Bush        | Mr. Heermans | Mr. W. Smith    |
| Mr. Cameron     | Mr. Horton   | Mr. Strobbridge |
| Mr. Constant    | Mr. Hunt     | Mr. Walrath     |
| Mr. E. Crosby   | Mr. Jarvis   | Mr. Worden      |
| Mr. Culver      | Mr. Johnson  | Mr. J. Young    |
| Mr. Dayton      |              |                 |

34

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to amend the act entitled 'An act to incorporate the village of Fredonia ;'" the bill en-



titled "An act to incorporate the Union Mutual Life Insurance Company;" the bill entitled "An act to amend an act entitled 'An act for the relief of Thomas Noyes and others,' passed April 28th, 1840;" the bill entitled "An act for the relief of Marcus Brown;" the bill entitled "An act for the relief of Anthony S. Badgley and Andrew Bigham," and the bill entitled "An act for the relief of Homer Caswell," and found the same severally correctly engrossed.

*Ordered*, That the said bills do have their third reading.

The engrossed bill entitled "An act to punish the unlawful cutting and carrying away of timber," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to amend the charter of the city of Rochester," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 96 | } |
| { | NAYS   | 00 | } |
| { | ABSENT | 32 | } |

Those who voted in the affirmative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. Gregory      | Mr. Preston         |
| Mr. Bagg        | Mr. Hannum       | Mr. Raymond         |
| Mr. Bailey      | Mr. Harden       | Mr. Rogers          |
| Mr. Barber      | Mr. Harris       | Mr. Ross            |
| Mr. Betts       | Mr. Heermans     | Mr. Russell         |
| Mr. Bevens      | Mr. Hervey       | Mr. Searing         |
| Mr. Billings    | Mr. Hine         | Mr. Sears           |
| Mr. Bowen       | Mr. Howard       | Mr. Sherman         |
| Mr. J. Brooks   | Mr. Huntington   | Mr. Skelton         |
| Mr. M. Brooks   | Mr. Kinne        | Mr. A. C. Smith     |
| Mr. L. H. Brown | Mr. Knapp        | Mr. Speaker         |
| Mr. A. H. Buell | Mr. D. Lee       | Mr. Spring          |
| Mr. Bunker      | Mr. T. R. Lee    | Mr. J. Stevenson    |
| Mr. Burdick     | Mr. Litchfield   | Mr. R. L. Stevenson |
| Mr. Carpenter   | Mr. Long         | Mr. Sweeney         |
| Mr. Casner      | Mr. M'Carthy     | Mr. Tefft           |
| Mr. Chase       | Mr. M'Donald     | Mr. Thayer          |
| Mr. Coe         | Mr. M'Key        | Mr. Thompson        |
| Mr. Collins     | Mr. M'Vean       | Mr. Tibbits         |
| Mr. Comstock    | Mr. Mann         | Mr. Titus           |
| Mr. Crain       | Mr. Mather       | Mr. Tuthill         |
| Mr. Danforth    | Mr. Mersereau    | Mr. Van Schoonhoven |
| Mr. Dewey       | Mr. C. B. Miller | Mr. Van Valkenburgh |
| Mr. Dickson     | Mr. S. Miller    | Mr. Walrath         |

|               |              |                    |
|---------------|--------------|--------------------|
| Mr. Edwards   | Mr. Morris   | Mr. Wells          |
| Mr. Fellows   | Mr. Morrison | Mr. Wheeler        |
| Mr. Field     | Mr. Newkirk  | Mr. White          |
| Mr. Fonda     | Mr. Niven    | Mr. Whitney        |
| Mr. Frisbee   | Mr. Oakley   | Mr. Wilcox         |
| Mr. Garretson | Mr. Pardee   | Mr. Wyckoff        |
| Mr. D. Gould  | Mr. Pierce   | Mr. Wynant         |
| Mr. G. Goold  | Mr. Porter   | Mr. A. W. Young 96 |

And those who were absent are

|                  |              |                 |
|------------------|--------------|-----------------|
| Mr. Blake        | Mr. Culver   | Mr. Johnson     |
| Mr. Bloss        | Mr. Dayton   | Mr. Jones       |
| Mr. Boughton     | Mr. De Puy   | Mr. Moulton     |
| Mr. Brower       | Mr. Fenn     | Mr. Rice        |
| Mr. S. A. Brown  | Mr. Gifford  | Mr. Sager       |
| Mr. T. Buel      | Mr. Hall     | Mr. Salisbury   |
| Mr. Bush         | Mr. Hammond  | Mr. W. Smith    |
| Mr. Cameron      | Mr. Hazelton | Mr. Strobbridge |
| Mr. Constant     | Mr. Horton   | Mr. Worden      |
| Mr. C. F. Crosby | Mr. Hunt     | Mr. J. Young 32 |
| Mr. E. Crosby    | Mr. Jarvis   |                 |

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to incorporate the Spencertown Academy," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 96 | } |
| { | NAYS   | 00 | } |
| { | ABSENT | 32 | } |

Those who voted in the affirmative are

|                 |                |                 |
|-----------------|----------------|-----------------|
| Mr. Bachman     | Mr. Gregory    | Mr. Preston     |
| Mr. Bailey      | Mr. Hannum     | Mr. Raymond     |
| Mr. Barber      | Mr. Harden     | Mr. Rogers      |
| Mr. Betts       | Mr. Harris     | Mr. Ross        |
| Mr. Bevens      | Mr. Heermans   | Mr. Russell     |
| Mr. Billings    | Mr. Hervey     | Mr. Searing     |
| Mr. Bowen       | Mr. Hine       | Mr. Sears       |
| Mr. J. Brooks   | Mr. Howard     | Mr. Sherman     |
| Mr. M. Brooks   | Mr. Huntington | Mr. Skelton     |
| Mr. L. H. Brown | Mr. Kinne      | Mr. A. C. Smith |
| Mr. A. H. Buell | Mr. Knapp      | Mr. Speaker     |
| Mr. Bunker      | Mr. D. Lee     | Mr. Spring      |

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Burdick      | Mr. T. R. Lee    | Mr. J. Stevenson    |
| Mr. Carpenter    | Mr. Litchfield   | Mr. R. L. Stevenson |
| Mr. Casner       | Mr. Long         | Mr. Sweeney         |
| Mr. Chase        | Mr. M'Carthy     | Mr. Tefft           |
| Mr. Coe          | Mr. M'Donald     | Mr. Thayer          |
| Mr. Collins      | Mr. M'Key        | Mr. Thompson        |
| Mr. Comstock     | Mr. M'Vean       | Mr. Tibbits         |
| Mr. Crain        | Mr. Mann         | Mr. Titus           |
| Mr. C. F. Crosby | Mr. Mather       | Mr. Tuthill         |
| Mr. Danforth     | Mr. Mersereau    | Mr. Van Schoonhoven |
| Mr. Dewey        | Mr. C. B. Miller | Mr. Van Valkenburgh |
| Mr. Dickson      | Mr. S. Miller    | Mr. Walrath         |
| Mr. Edwards      | Mr. Morris       | Mr. Wells           |
| Mr. Fellows      | Mr. Morrison     | Mr. Wheeler         |
| Mr. Field        | Mr. Newkirk      | Mr. White           |
| Mr. Fonda        | Mr. Niven        | Mr. Whitney         |
| Mr. Frisbee      | Mr. Oakley       | Mr. Wilcox          |
| Mr. Garretson    | Mr. Pardee       | Mr. Wyckoff         |
| Mr. D. Gould     | Mr. Pierce       | Mr. Wynant          |
| Mr. G. Goold     | Mr. Porter       | Mr. A. W. Young 96  |

And those who were absent are

|                 |              |                 |
|-----------------|--------------|-----------------|
| Mr. Bagg        | Mr. Culver   | Mr. Johnson     |
| Mr. Blake       | Mr. Dayton   | Mr. Jones       |
| Mr. Bloss       | Mr. De Puy   | Mr. Moulton     |
| Mr. Boughton    | Mr. Fenn     | Mr. Rice        |
| Mr. Brower      | Mr. Giffard  | Mr. Sager       |
| Mr. S. A. Brown | Mr. Hall     | Mr. Salisbury   |
| Mr. T. Buel     | Mr. Hammond  | Mr. W. Smith    |
| Mr. Bush        | Mr. Hazelton | Mr. Strobbridge |
| Mr. Cameron     | Mr. Horton   | Mr. Worden      |
| Mr. Constant    | Mr. Hunt     | Mr. J. Young    |
| Mr. E. Crosby   | Mr. Jarvis   | 32              |

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to incorporate the Farmers' Mutual Insurance Company of Erie county," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 91 | } |
| { | NAYS   | 04 | } |
| { | ABSENT | 33 | } |

## Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Harden       | Mr. Raymond         |
| Mr. Bagg         | Mr. Harris       | Mr. Rogers          |
| Mr. Barber       | Mr. Heermans     | Mr. Ross            |
| Mr. Betts        | Mr. Hervey       | Mr. Russell         |
| Mr. Bevins       | Mr. Hine         | Mr. Searing         |
| Mr. Billings     | Mr. Howard       | Mr. Sears           |
| Mr. Bowen        | Mr. Huntington   | Mr. Sherman         |
| Mr. J. Brooks    | Mr. Kinne        | Mr. Skelton         |
| Mr. M. Brooks    | Mr. Knapp        | Mr. A. C. Smith     |
| Mr. L. H. Brown  | Mr. D. Lee       | Mr. Speaker         |
| Mr. A. H. Buell  | Mr. T. R. Lee    | Mr. Spring          |
| Mr. Bunker       | Mr. Litchfield   | Mr. J. Stevenson    |
| Mr. Burdick      | Mr. Long         | Mr. R. L. Stevenson |
| Mr. Casner       | Mr. M'Carthy     | Mr. Sweeney         |
| Mr. Coe          | Mr. M'Donald     | Mr. Tefft           |
| Mr. Collins      | Mr. M'Key        | Mr. Thayer          |
| Mr. Comstock     | Mr. M'Vean       | Mr. Thompson        |
| Mr. C. F. Crosby | Mr. Mann         | Mr. Tibbits         |
| Mr. Danforth     | Mr. Mather       | Mr. Titus           |
| Mr. Dewey        | Mr. Mersereau    | Mr. Tuthill         |
| Mr. Dickson      | Mr. C. B. Miller | Mr. Van Schoonhoven |
| Mr. Edwards      | Mr. S. Miller    | Mr. Van Valkenburgh |
| Mr. Fellows      | Mr. Morris       | Mr. Walrath         |
| Mr. Field        | Mr. Morrison     | Mr. Wells           |
| Mr. Fonda        | Mr. Niven        | Mr. Wheeler         |
| Mr. Frisbee      | Mr. Oakley       | Mr. White           |
| Mr. Garretson    | Mr. Pardee       | Mr. Whitney         |
| Mr. D. Gould     | Mr. Pierce       | Mr. Wyckoff         |
| Mr. G. Gould     | Mr. Porter       | Mr. Wynant          |
| Mr. Gregory      | Mr. Preston      | Mr. A. W. Young     |
| Mr. Hannum       |                  |                     |

91

## Those who voted in the negative are

|               |           |           |
|---------------|-----------|-----------|
| Mr. Bailey    | Mr. Chase | Mr. Crain |
| Mr. Carpenter |           |           |

4

## And those who were absent are

|                 |              |                |
|-----------------|--------------|----------------|
| Mr. Blake       | Mr. Dayton   | Mr. Jones      |
| Mr. Bloss       | Mr. De Puy   | Mr. Moulton    |
| Mr. Boughton    | Mr. Fenn     | Mr. Newkirk    |
| Mr. Brower      | Mr. Gifford  | Mr. Rice       |
| Mr. S. A. Brown | Mr. Hall     | Mr. Sager      |
| Mr. T. Buel     | Mr. Hammond  | Mr. Salisbury  |
| Mr. Bush        | Mr. Hazelton | Mr. W. Smith   |
| Mr. Cameron     | Mr. Horton   | Mr. Strobridge |
| Mr. Constant    | Mr. Hunt     | Mr. Wilcox     |
| Mr. E. Crosby   | Mr. Jarvis   | Mr. Worden     |
| Mr. Culver      | Mr. Johnson  | Mr. J. Young   |

33



*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to amend an act to incorporate the Kings County Mutual Insurance Company, passed April 15, 1844," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 94 | } |
| { | NAYS   | 02 | } |
| { | ABSENT | 32 | } |

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Harris       | Mr. Rice            |
| Mr. Bagg         | Mr. Heermans     | Mr. Rogers          |
| Mr. Barber       | Mr. Hervey       | Mr. Ross            |
| Mr. Betts        | Mr. Hine         | Mr. Russell         |
| Mr. Bevens       | Mr. Howard       | Mr. Searing         |
| Mr. Billings     | Mr. Huntington   | Mr. Sears           |
| Mr. Bowen        | Mr. Kinne        | Mr. Sherman         |
| Mr. J. Brooks    | Mr. Knapp        | Mr. Skelton         |
| Mr. M. Brooks    | Mr. D. Lee       | Mr. A. C. Smith     |
| Mr. L. H. Brown  | Mr. T. R. Lee    | Mr. Speaker         |
| Mr. A. H. Buell  | Mr. Litchfield   | Mr. Spring          |
| Mr. Bunker       | Mr. Long         | Mr. J. Stevenson    |
| Mr. Burdick      | Mr. M'Carthy     | Mr. R. L. Stevenson |
| Mr. Carpenter    | Mr. M'Donald     | Mr. Sweeney         |
| Mr. Coe          | Mr. M'Key        | Mr. Tefft           |
| Mr. Collins      | Mr. M'Vean       | Mr. Thayer          |
| Mr. Comstock     | Mr. Mann         | Mr. Thompson        |
| Mr. C. F. Crosby | Mr. Mather       | Mr. Tibbits         |
| Mr. Danforth     | Mr. Mersereau    | Mr. Titus           |
| Mr. Dewey        | Mr. C. B. Miller | Mr. Tuthill         |
| Mr. Dickson      | Mr. S. Miller    | Mr. Van Schoonhoven |
| Mr. Edwards      | Mr. Morris       | Mr. Van Valkenburgh |
| Mr. Fellows      | Mr. Morrison     | Mr. Walrath         |
| Mr. Field        | Mr. Newkirk      | Mr. Wells           |
| Mr. Fonda        | Mr. Niven        | Mr. Wheeler         |
| Mr. Frisbee      | Mr. Oakley       | Mr. White           |
| Mr. Garretson    | Mr. Pardee       | Mr. Whitney         |
| Mr. D. Gould     | Mr. Pierce       | Mr. Wilcox          |
| Mr. G. Goold     | Mr. Porter       | Mr. Wyckoff         |
| Mr. Gregory      | Mr. Preston      | Mr. Wynant          |
| Mr. Hannum       | Mr. Raymond      | Mr. A. W. Young     |
| Mr. Harden       |                  |                     |

94

Those who voted in the negative are

|           |           |
|-----------|-----------|
| Mr. Chase | Mr. Crain |
|-----------|-----------|

2

And those who were absent are

|                 |               |                 |
|-----------------|---------------|-----------------|
| Mr. Bailey      | Mr. E. Crosby | Mr. Jarvis      |
| Mr. Blake       | Mr. Culver    | Mr. Johnson     |
| Mr. Bloss       | Mr. Dayton    | Mr. Jones       |
| Mr. Boughton    | Mr. De Puy    | Mr. Moulton     |
| Mr. Brower      | Mr. Fenn      | Mr. Sager       |
| Mr. S. A. Brown | Mr. Giffard   | Mr. Salisbury   |
| Mr. T. Buel     | Mr. Hall      | Mr. W. Smith    |
| Mr. Bush        | Mr. Hammond   | Mr. Strobbridge |
| Mr. Cameron     | Mr. Hazelton  | Mr. Worden      |
| Mr. Casner      | Mr. Horton    | Mr. J. Young    |
| Mr. Constant    | Mr. Hunt      |                 |

32

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act further to amend an act entitled 'An act to incorporate the New-York Fire Insurance Company of the city of New-York,' passed April 18th, 1832," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 90 | } |
| { | NAYS   | 03 | } |
| { | ABSENT | 35 | } |

Those who voted in the affirmative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Bachman      | Mr. Hannum     | Mr. Rice            |
| Mr. Bagg         | Mr. Harden     | Mr. Rogers          |
| Mr. Bailey       | Mr. Harris     | Mr. Ross            |
| Mr. Barber       | Mr. Hervey     | Mr. Russell         |
| Mr. Betts        | Mr. Hine       | Mr. Searing         |
| Mr. Bevens       | Mr. Howard     | Mr. Sears           |
| Mr. Billings     | Mr. Huntington | Mr. Sherman         |
| Mr. Bowen        | Mr. Kinne      | Mr. Skelton         |
| Mr. J. Brooks    | Mr. Knapp      | Mr. A. C. Smith     |
| Mr. M. Brooks    | Mr. D. Lee     | Mr. Speaker         |
| Mr. L. H. Brown  | Mr. T. R. Lee  | Mr. Spring          |
| Mr. A. H. Buell  | Mr. Litchfield | Mr. J. Stevenson    |
| Mr. Burdick      | Mr. Long       | Mr. R. L. Stevenson |
| Mr. Carpenter    | Mr. M'Carthy   | Mr. Sweeney         |
| Mr. Casner       | Mr. M'Donald   | Mr. Tefft           |
| Mr. Coe          | Mr. M'Key      | Mr. Thayer          |
| Mr. Collins      | Mr. M'Vean     | Mr. Thompson        |
| Mr. Comstock     | Mr. Mann       | Mr. Titus           |
| Mr. C. F. Crosby | Mr. Mather     | Mr. Tuthill         |
| Mr. Danforth     | Mr. Mersereau  | Mr. Van Schoonhoven |

|               |                  |                     |
|---------------|------------------|---------------------|
| Mr. Dewey     | Mr. C. B. Miller | Mr. Van Valkenburgh |
| Mr. Dickson   | Mr. S. Miller    | Mr. Walrath         |
| Mr. Edwards   | Mr. Morris       | Mr. Wells           |
| Mr. Fellows   | Mr. Morrison     | Mr. Wheeler         |
| Mr. Field     | Mr. Newkirk      | Mr. White           |
| Mr. Frisbee   | Mr. Oakley       | Mr. Whitney         |
| Mr. Garretson | Mr. Pardee       | Mr. Wilcox          |
| Mr. D. Gould  | Mr. Pierce       | Mr. Wyckoff         |
| Mr. G. Goold  | Mr. Porter       | Mr. Wynant          |
| Mr. Gregory   | Mr. Preston      | Mr. A. W. Young 90  |

Those who voted in the negative are

|           |           |             |
|-----------|-----------|-------------|
| Mr. Chase | Mr. Crain | Mr. Fonda 3 |
|-----------|-----------|-------------|

And those who were absent are

|                 |              |                 |
|-----------------|--------------|-----------------|
| Mr. Blake       | Mr. Dayton   | Mr. Jones       |
| Mr. Bloss       | Mr. De Puy   | Mr. Moulton     |
| Mr. Boughton    | Mr. Fenn     | Mr. Niven       |
| Mr. Brower      | Mr. Giffard  | Mr. Raymond     |
| Mr. S. A. Brown | Mr. Hall     | Mr. Sager       |
| Mr. T. Buel     | Mr. Hammond  | Mr. Salisbury   |
| Mr. Bunker      | Mr. Hazelton | Mr. W. Smith    |
| Mr. Bush        | Mr. Heermans | Mr. Strobbridge |
| Mr. Cameron     | Mr. Horton   | Mr. Tibbits     |
| Mr. Constant    | Mr. Hunt     | Mr. Worden      |
| Mr. E. Crosby   | Mr. Jarvis   | Mr. J. Young    |
| Mr. Culver      | Mr. Johnson  | 35              |

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to amend an act entitled 'An act to incorporate the Greenhill Wharf Company,'" was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 87 | } |
| { | NAYS   | 03 | } |
| { | ABSENT | 38 | } |

Those who voted in the affirmative are

|            |            |             |
|------------|------------|-------------|
| Mr. Bagg   | Mr. Hannum | Mr. Rogers  |
| Mr. Bailey | Mr. Harden | Mr. Ross    |
| Mr. Barber | Mr. Harris | Mr. Russell |
| Mr. Betts  | Mr. Hervey | Mr. Sears   |
| Mr. Bevens | Mr. Hine   | Mr. Sherman |

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Billings     | Mr. Howard       | Mr. Skelton         |
| Mr. Bowen        | Mr. Huntington   | Mr. A. C. Smith     |
| Mr. J. Brooks    | Mr. Kinne        | Mr. Speaker         |
| Mr. M. Brooks    | Mr. Knapp        | Mr. Spring          |
| Mr. L. H. Brown  | Mr. Litchfield   | Mr. J. Stevenson    |
| Mr. Bunker       | Mr. Long         | Mr. R. L. Stevenson |
| Mr. Burdick      | Mr. M'Carthy     | Mr. Strobidge       |
| Mr. Chase        | Mr. M'Donald     | Mr. Sweeney         |
| Mr. Coe          | Mr. M'Key        | Mr. Tefft           |
| Mr. Collins      | Mr. M'Vean       | Mr. Thayer          |
| Mr. Comstock     | Mr. Mann         | Mr. Thompson        |
| Mr. C. F. Crosby | Mr. Mersereau    | Mr. Tibbits         |
| Mr. Danforth     | Mr. C. B. Miller | Mr. Titus           |
| Mr. Dewey        | Mr. S. Miller    | Mr. Tuthill         |
| Mr. Dickson      | Mr. Morris       | Mr. Van Schoonhoven |
| Mr. Edwards      | Mr. Morrison     | Mr. Van Valkenburgh |
| Mr. Fellows      | Mr. Newkirk      | Mr. Walrath         |
| Mr. Field        | Mr. Oakley       | Mr. Wells           |
| Mr. Fonda        | Mr. Pardee       | Mr. Wheeler         |
| Mr. Frisbee      | Mr. Pierce       | Mr. White           |
| Mr. Garretson    | Mr. Porter       | Mr. Whitney         |
| Mr. D. Gould     | Mr. Preston      | Mr. Wyckoff         |
| Mr. G. Goold     | Mr. Raymond      | Mr. Wynant          |
| Mr. Gregory      | Mr. Rice         | Mr. A. W. Young 87  |

Those who voted in the negative are

|               |               |               |
|---------------|---------------|---------------|
| Mr. Carpenter | Mr. T. R. Lee | Mr. Searing 3 |
|---------------|---------------|---------------|

And those who were absent are

|                 |               |               |
|-----------------|---------------|---------------|
| Mr. Bachman     | Mr. E. Crosby | Mr. Johnson   |
| Mr. Blake       | Mr. Culver    | Mr. Jones     |
| Mr. Bloss       | Mr. Dayton    | Mr. D. Lee    |
| Mr. Boughton    | Mr. De Puy    | Mr. Mather    |
| Mr. Brower      | Mr. Fenn      | Mr. Moulton   |
| Mr. S. A. Brown | Mr. Giffard   | Mr. Niven     |
| Mr. A. H. Buell | Mr. Hall      | Mr. Sager     |
| Mr. T. Buel     | Mr. Hammond   | Mr. Salisbury |
| Mr. Bush        | Mr. Hazelton  | Mr. W. Smith  |
| Mr. Cameron     | Mr. Heermans  | Mr. Wilcox    |
| Mr. Casner      | Mr. Horton    | Mr. Worden    |
| Mr. Constant    | Mr. Hunt      | Mr. J. Young  |
| Mr. Crain       | Mr. Jarvis    | 38            |

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act relating to the New-York and Newhaven Railroad Company," was read the third time.

Mr. Morrison moved that the question on the final passage of the said bill be laid upon the table.



Mr. Speaker put the question whether the House would agree to the said motion of Mr. Morrison, and it was determined in the affirmative.

Mr. Raymond asked for leave of absence for three days.

Mr. Speaker put the question whether the House would grant such leave, and it was determined in the affirmative.

Mr. Betts moved that the House do now adjourn.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Betts, and it was determined in the affirmative.

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 64 | } |
|   | NAYS   | 33 |   |
|   | ABSENT | 31 |   |

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Betts        | Mr. Gregory    | Mr. Rice            |
| Mr. Billings     | Mr. Hannum     | Mr. Rogers          |
| Mr. L. H. Brown  | Mr. Harden     | Mr. Ross            |
| Mr. A. H. Buell  | Mr. Heermans   | Mr. Russell         |
| Mr. Burdick      | Mr. Kinne      | Mr. Searing         |
| Mr. Carpenter    | Mr. Knapp      | Mr. Sherman         |
| Mr. Casner       | Mr. D. Lee     | Mr. Skelton         |
| Mr. Chase        | Mr. T. R. Lee  | Mr. A. C. Smith     |
| Mr. Coe          | Mr. Litchfield | Mr. J. Stevenson    |
| Mr. Collins      | Mr. Long       | Mr. Stobridge       |
| Mr. Crain        | Mr. M'Donald   | Mr. Tefft           |
| Mr. C. F. Crosby | Mr. M'Vean     | Mr. Thompson        |
| Mr. Danforth     | Mr. Mann       | Mr. Tibbits         |
| Mr. Dewey        | Mr. Mersereau  | Mr. Van Schoonhoven |
| Mr. Dickson      | Mr. S. Miller  | Mr. Van Valkenburgh |
| Mr. Edwards      | Mr. Newkirk    | Mr. Walrath         |
| Mr. Fellows      | Mr. Pardee     | Mr. Wheeler         |
| Mr. Field        | Mr. Pierce     | Mr. White           |
| Mr. Fonda        | Mr. Porter     | Mr. Whitney         |
| Mr. Garretson    | Mr. Preston    | Mr. Wilcox          |
| Mr. D. Gould     | Mr. Raymond    | Mr. Wynant          |
| Mr. G. Goold     |                |                     |

64

Those who voted in the negative are

|               |                  |                     |
|---------------|------------------|---------------------|
| Mr. Bachman   | Mr. Hervey       | Mr. Sears           |
| Mr. Bagg      | Mr. Hine         | Mr. Speaker         |
| Mr. Bailey    | Mr. Huntington   | Mr. Spring          |
| Mr. Barber    | Mr. M'Carthy     | Mr. R. L. Stevenson |
| Mr. Bevens    | Mr. M'Key        | Mr. Sweeney         |
| Mr. Bowen     | Mr. Mather       | Mr. Thayer          |
| Mr. J. Brooks | Mr. C. B. Miller | Mr. Titus           |
| Mr. M. Brooks | Mr. Morris       | Mr. Tuthill         |

|              |              |                    |
|--------------|--------------|--------------------|
| Mr. Comstock | Mr. Morrison | Mr. Wells          |
| Mr. Frisbee  | Mr. Niven    | Mr. Wyckoff        |
| Mr. Harris   | Mr. Oakley   | Mr. A. W. Young 33 |

And those who were absent are

|                 |              |               |
|-----------------|--------------|---------------|
| Mr. Blake       | Mr. Culver   | Mr. Hunt      |
| Mr. Bloss       | Mr. Dayton   | Mr. Jarvis    |
| Mr. Boughton    | Mr. De Puy   | Mr. Johnson   |
| Mr. Brower      | Mr. Fenn     | Mr. Jones     |
| Mr. S. A. Brown | Mr. Giffard  | Mr. Moulton   |
| Mr. T. Buel     | Mr. Hall     | Mr. Sager     |
| Mr. Bunker      | Mr. Hammond  | Mr. Salisbury |
| Mr. Bush        | Mr. Hazelton | Mr. W. Smith  |
| Mr. Cameron     | Mr. Horton   | Mr. Worden    |
| Mr. Constant    | Mr. Howard   | Mr. J. Young  |
| Mr. E. Crosby   |              | 31            |

The House then adjourned to nine o'clock on Monday morning next.

## MONDAY, MAY 5, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. M'Donough.

The minutes of Saturday were read and approved.

The petition of sundry inhabitants of the county of Cortland, praying for the passage of an act to abolish the office of superintendent of the poor, and to authorise the sale of the poor-house farm of said county, was read, and referred to the committee on the internal affairs of towns and counties.

The resolutions adopted at a meeting of the inhabitants of the county of Jefferson, praying for the revival of the charter of the Watertown and Rome Railroad Company, and of the Watertown and Cape Vincent Railroad Company, were read, and referred to the committee on railroads.

The petition of sundry inhabitants of the county of Cayuga, praying for the passage of a law to abolish the office of county superintendent of common schools, and for a reduction of the number of town officers, was read, and ordered to be laid on the table.

By unanimous consent,

Mr. Morrison asked for and obtained leave to bring in a bill, entitled "An act to change the name of Charles Jones to Charles Jones Baxter;" which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. Morrison,

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Oakley, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to incorporate the New-York Industrial Association;" the bill entitled "An act to authorise certain individuals in the town of Edinburgh, Saratoga county, to loan money;" and the bill entitled "An act to amend an act entitled 'An act to incorporate the New-York Equitable Insurance Company,' passed April 23d, 1823, and the several acts amendatory thereof," and found the same severally correctly engrossed.

*Ordered*, That the said bills do have their third reading.

By unanimous consent,

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to authorise the common council of the city of Buffalo to borrow money, and for other purposes," with the amendments of the Senate thereto, reported, that the committee had examined the said amendments, and do recommend that the House concur in the same.

*Ordered*, That the said bill and amendments be laid on the table.

By unanimous consent,

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the bill from the Senate, entitled "An act in relation to the members of fire companies and hook and ladder companies," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

By unanimous consent,

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the bill from the Senate, entitled "An act for the preservation of game in the county of Ulster," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

By unanimous consent,

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the bill from the Senate, entitled "An act to regulate fisheries in the town of Esopus in the county of Ulster," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill do have its third reading.

By unanimous consent,

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the bill from the Senate, entitled "An act to authorise the mayor, aldermen and commonalty of the city of New-York to raise money by loan, and to create a public fund or stock, to be called Building Loan Stock No. 2," with instructions to report the same complete, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill do have its third reading.

By unanimous consent,

Mr. Hine, from the select committee to which was referred the bill from the Senate, entitled "An act for the better security of mechanics and others erecting buildings and furnishing materials therefor in the town of Kingston in the county of Ulster," with instructions to report the same complete, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill do have its third reading.

By unanimous consent,

Mr. Garretson, from the committee on charitable and religious societies, to which was referred the petition of the elders and deacons of the Reformed Dutch Church of the town of Marbletown in the county of Ulster, praying for the passage of an act authorising them to sell a part of their real estate, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Garretson accordingly brought in the said bill, entitled "An act to authorise the elders and deacons of the Reformed Protestant Dutch Church at Marbletown to sell and convey certain real estate;" which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. Garretson,

*Ordered*, That the said bill be engrossed for a third reading.

By unanimous consent, and

In pursuance of previous notice, Mr. Comstock asked for and obtained leave to bring in a bill, entitled "An act to revive the charter of the Watertown and Rome Railroad Company;" which was read the first time, and by unanimous consent was also read a second time, and, on motion of Mr. Comstock, referred to the committee on railroads, with instructions to report the same complete.

By unanimous consent, and

In pursuance of previous notice, Mr. Comstock asked for and obtained leave to bring in a bill, entitled "An act to revive an act to provide for the construction of a railroad from Watertown in Jefferson county, to Cape Vincent, passed May 13, 1836;" which was read the first time, and by unanimous consent was also read a second time, and, on motion of Mr. Comstock, referred to the committee on railroads, with instructions to report the same complete.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act for the relief of Joseph L. Harris," and the bill entitled "An act to change the name of the Bethel Baptist Church in Williamsburgh," and found the same severally correctly engrossed.

*Ordered*, That the said bills do have their third reading.



By unanimous consent,

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the petition of sundry inhabitants of the county of Columbia, praying for the repeal of an act relative to the police and criminal courts of the city of Hudson; and the petition of Peter Cagger and others, praying for the passage of an act authorising the counsel for criminals to sum up last to the jury, reported unfavorably to the respective prayers of the said petitioners, and offered the following resolution, to wit:

*Resolved*, That the committee on the judiciary be discharged from the further consideration of the petition for the repeal of the act relative to the police and criminal courts of the city of Hudson, and of the petition of Peter Cagger and others.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

By unanimous consent,

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the bill entitled "An act concerning attachments against absconding, concealed and non-resident debtors," with the amendments of the Senate thereto, reported, that the committee had examined the said amendments, and do recommend that the House concur in the same.

The said amendments having been read,

Mr. Speaker put the question whether the House would concur with the Senate in their amendments to the said bill, and it was determined in the affirmative.

*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred with them in the said amendments, and amended the bill accordingly.

By unanimous consent,

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the bill from the Senate, entitled "An act to amend an act entitled 'An act to establish a justice's court in the city of Hudson,' passed April 16th, 1822," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

On motion of Mr. T. R. Lee,

*Ordered*, That the said bill do have its third reading.

By unanimous consent,

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the bill from the Senate, entitled "An act further to amend the act to abolish imprisonment for debt, and to punish fraudulent debtors, passed April 26th, 1831," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

On motion of Mr. T. R. Lee,

*Ordered*, That the said bill do have its third reading.

By unanimous consent,

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the bill from the Senate, entitled "An act concerning the district attorney of the county of Oneida," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

On motion of Mr. T. R. Lee,

*Ordered*, That the said bill do have its third reading.

By unanimous consent,

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the bill from the Senate, entitled "An act to allow transcripts of justice's judgments to be transferred from one county to another, and, when so transferred, to be a lien on real estate," reported, that the committee had examined the said bill, and made sundry amendments thereto, and saw no reason why the said amended bill should not be passed into a law.

On motion of Mr. T. R. Lee,

*Ordered*, That the said amendments be engrossed, and the bill have its third reading.

By unanimous consent,

Mr. A. W. Young, from the committee on colleges, academies and common schools, to which was referred the petition of sundry inhabitants of the village of Cambridge in the county of Washington, praying for the passage of an act relative to the Natural History of the State, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. A. W. Young accordingly brought in the said bill, entitled "An act to amend an act entitled 'An act in relation to the Natural History of New-York ;' " which was read the first time, and by unanimous consent was also read a second time, and, on motion of Mr. Russell, referred to the committee of the whole having charge of the first bill on the general orders.

By unanimous consent,

Mr. Wheeler, from the minority of the committee on the judiciary, to which was referred the bill entitled "An act to authorise Elam Bridges and Aaron Daboll to sell real estate," asked for and obtained leave to report the said bill to the house.

*Ordered*, That the said bill be committed to a committee of the whole house.

By unanimous consent,

Mr. Titus, from the committee on trade and manufactures, to which was recommitted the bill entitled "An act to incorporate a manufacturing company in the town of Wheatland, Monroe county," with instructions to report the same complete, reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same ; which he was directed to report to the house.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

By unanimous consent, on motion of Mr. Morrison,

*Resolved*, That the afternoon session of Wednesday next be appropriated to the consideration of bills in relation to the city of New-York.

By unanimous consent,

Mr. Russell, from the select committee to which was referred the bill from the Senate, entitled "An act in relation to the census or enu-

meration of the inhabitants of the State," with instructions to report the same complete, reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same ; which he was directed to report to the house.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered,* That the said amendments be engrossed, and the bill have its third reading.

Mr. D Lee moved to pass over the order of business, consisting of the "General orders of the day."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. D. Lee, and it was determined in the affirmative.

Mr. Oakley, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to amend an act entitled 'An act to incorporate the Albany Cemetery Association,' passed April 20th, 1841," and found the same correctly engrossed.

*Ordered,* That the said bill do have its third reading.

By unanimous consent, and

In pursuance of previous notice, Mr. Oakley asked for and obtained leave to bring in a bill, entitled "An act for the organization of the Almshouse Department in the city and county of New-York," which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. Oakley,

*Ordered,* That the said bill be engrossed for a third reading.

The engrossed bill entitled "An act to amend an act entitled 'An act to incorporate the Albany Medical College,' passed February 16, 1839," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 90 | } |
| { | NAYS   | 00 | } |
| { | ABSENT | 38 | } |

Those who voted in the affirmative are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Bachman     | Mr. Gregory    | Mr. Rogers          |
| Mr. Bagg        | Mr. Harden     | Mr. Salisbury       |
| Mr. Bailey      | Mr. Harris     | Mr. Searing         |
| Mr. Barber      | Mr. Hervey     | Mr. Sears           |
| Mr. Bevens      | Mr. Howard     | Mr. Skelton         |
| Mr. Billings    | Mr. Huntington | Mr. A. C. Smith     |
| Mr. Boughton    | Mr. Jarvis     | Mr. Speaker         |
| Mr. Bowen       | Mr. Johnson    | Mr. Spring          |
| Mr. J. Brooks   | Mr. Kinne      | Mr. J. Stevenson    |
| Mr. M. Brooks   | Mr. Knapp      | Mr. R. L. Stevenson |
| Mr. L. H. Brown | Mr. D. Lee     | Mr. Strobbridge     |

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. A. H. Buell  | Mr. T. R. Lee    | Mr. Sweeney         |
| Mr. Bush         | Mr. Long         | Mr. Tefft           |
| Mr. Carpenter    | Mr. M'Donald     | Mr. Thayer          |
| Mr. Collins      | Mr. M'Key        | Mr. Thompson        |
| Mr. Comstock     | Mr. M'Vean       | Mr. Tibbits         |
| Mr. Constant     | Mr. Mann         | Mr. Titus           |
| Mr. Crain        | Mr. Mather       | Mr. Tuthill         |
| Mr. C. F. Crosby | Mr. Mersereau    | Mr. Van Schoonhoven |
| Mr. Danforth     | Mr. C. B. Miller | Mr. Van Valkenburgh |
| Mr. Dewey        | Mr. S. Miller    | Mr. Walrath         |
| Mr. Dickson      | Mr. Morris       | Mr. Wells           |
| Mr. Edwards      | Mr. Morrison     | Mr. Wheeler         |
| Mr. Fellows      | Mr. Newkirk      | Mr. White           |
| Mr. Field        | Mr. Niven        | Mr. Whitney         |
| Mr. Fonda        | Mr. Oakley       | Mr. Wilcox          |
| Mr. Frisbee      | Mr. Pierce       | Mr. Wyckoff         |
| Mr. Garretson    | Mr. Porter       | Mr. Wynant          |
| Mr. D. Gould     | Mr. Preston      | Mr. A. W. Young     |
| Mr. G. Goold     | Mr. Rice         | Mr. J. Young        |

90

And those who were absent are

|                 |              |                |
|-----------------|--------------|----------------|
| Mr. Betts       | Mr. Culver   | Mr. Jones      |
| Mr. Blake       | Mr. Dayton   | Mr. Litchfield |
| Mr. Bloss       | Mr. De Puy   | Mr. M'Carthy   |
| Mr. Brower      | Mr. Fenn     | Mr. Moulton    |
| Mr. S. A. Brown | Mr. Giffard  | Mr. Pardee     |
| Mr. T. Buel     | Mr. Hall     | Mr. Raymond    |
| Mr. Bunker      | Mr. Hammond  | Mr. Ross       |
| Mr. Burdick     | Mr. Hannum   | Mr. Russell    |
| Mr. Cameron     | Mr. Hazelton | Mr. Sager      |
| Mr. Casner      | Mr. Heermans | Mr. Sherman    |
| Mr. Chase       | Mr. Hine     | Mr. W. Smith   |
| Mr. Coe         | Mr. Horton   | Mr. Worden     |
| Mr. E. Crosby   | Mr. Hunt     |                |

38

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to incorporate the Williamsburgh Lyceum," was read the third time.

By unanimous consent,

Mr. Wynant moved to amend the said bill, by striking out the word "devise," in the first section.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Wynant, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to the final passage of the said bill, as amended, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :



|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 91 | } |
| { | NAYS   | 01 | } |
| { | ABSENT | 36 | } |

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Harden       | Mr. Salisbury       |
| Mr. Bagg         | Mr. Harris       | Mr. Searing         |
| Mr. Bailey       | Mr. Hervey       | Mr. Sears           |
| Mr. Barber       | Mr. Howard       | Mr. Sherman         |
| Mr. Bevens       | Mr. Huntington   | Mr. Skelton         |
| Mr. Billings     | Mr. Jarvis       | Mr. A. C. Smith     |
| Mr. Boughton     | Mr. Johnson      | Mr. Speaker         |
| Mr. Bowen        | Mr. Kinne        | Mr. Spring          |
| Mr. J. Brooks    | Mr. Knapp        | Mr. J. Stevenson    |
| Mr. M. Brooks    | Mr. D. Lee       | Mr. R. L. Stevenson |
| Mr. L. H. Brown  | Mr. T. R. Lee    | Mr. Strobbridge     |
| Mr. A. H. Buell  | Mr. Long         | Mr. Sweeney         |
| Mr. Burdick      | Mr. M'Donald     | Mr. Tefft           |
| Mr. Bush         | Mr. M'Key        | Mr. Thayer          |
| Mr. Carpenter    | Mr. M'Vean       | Mr. Thompson        |
| Mr. Coe          | Mr. Mann         | Mr. Tibbits         |
| Mr. Collins      | Mr. Mather       | Mr. Titus           |
| Mr. Comstock     | Mr. Mersereau    | Mr. Tuthill         |
| Mr. Constant     | Mr. C. B. Miller | Mr. Van Schoonhoven |
| Mr. C. F. Crosby | Mr. S. Miller    | Mr. Van Valkenburgh |
| Mr. Danforth     | Mr. Morris       | Mr. Walrath         |
| Mr. Dewey        | Mr. Morrison     | Mr. Wells           |
| Mr. Dickson      | Mr. Newkirk      | Mr. Wheeler         |
| Mr. Edwards      | Mr. Niven        | Mr. White           |
| Mr. Fellows      | Mr. Oakley       | Mr. Whitney         |
| Mr. Field        | Mr. Pierce       | Mr. Wilcox          |
| Mr. Fonda        | Mr. Porter       | Mr. Wyckoff         |
| Mr. Frisbee      | Mr. Preston      | Mr. Wynant          |
| Mr. Garretson    | Mr. Rice         | Mr. A. W. Young     |
| Mr. G. Goold     | Mr. Rogers       | Mr. J. Young        |
| Mr. Gregory      |                  |                     |

91

For the negative,

Mr. Crain

1

And those who were absent are

|                 |              |                |
|-----------------|--------------|----------------|
| Mr. Betts       | Mr. Dayton   | Mr. Hunt       |
| Mr. Blake       | Mr. De Puy   | Mr. Jones      |
| Mr. Bloss       | Mr. Fenn     | Mr. Litchfield |
| Mr. Brower      | Mr. Gifford  | Mr. M'Carthy   |
| Mr. S. A. Brown | Mr. D. Gould | Mr. Moulton    |
| Mr. T. Buel     | Mr. Hall     | Mr. Pardce     |

|               |              |              |
|---------------|--------------|--------------|
| Mr. Bunker    | Mr. Hammond  | Mr. Raymond  |
| Mr. Cameron   | Mr. Hannum   | Mr. Ross     |
| Mr. Casner    | Mr. Hazelton | Mr. Russell  |
| Mr. Chace     | Mr. Heermans | Mr. Sager    |
| Mr. E. Crosby | Mr. Hine     | Mr. W. Smith |
| Mr. Culver    | Mr. Horton   | Mr. Worden   |

36

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to incorporate the United States Curvilinear Sawing Company," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |
|---|--------|----|
| { | AYES   | 86 |
|   | NAYS   | 03 |
|   | ABSENT | 39 |

Those who voted in the affirmative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. G. Goold     | Mr. Salisbury       |
| Mr. Bagg        | Mr. Gregory      | Mr. Searing         |
| Mr. Bailey      | Mr. Harden       | Mr. Sears           |
| Mr. Barber      | Mr. Harris       | Mr. Sherman         |
| Mr. Bevens      | Mr. Hervey       | Mr. Skelton         |
| Mr. Billings    | Mr. Howard       | Mr. A. C. Smith     |
| Mr. Boughton    | Mr. Jarvis       | Mr. Spring          |
| Mr. Bowen       | Mr. Johnson      | Mr. J. Stevenson    |
| Mr. M. Brooks   | Mr. Kinne        | Mr. R. L. Stevenson |
| Mr. L. H. Brown | Mr. Knapp        | Mr. Strobridge      |
| Mr. A. H. Buell | Mr. D. Lee       | Mr. Sweeney         |
| Mr. Burdick     | Mr. T. R. Lee    | Mr. Tefft           |
| Mr. Bush        | Mr. Long         | Mr. Thayer          |
| Mr. Carpenter   | Mr. M'Donald     | Mr. Thompson        |
| Mr. Coe         | Mr. M'Key        | Mr. Tibbits         |
| Mr. Collins     | Mr. M'Vean       | Mr. Titus           |
| Mr. Comstock    | Mr. Mather       | Mr. Tnhill          |
| Mr. Constant    | Mr. Mersereau    | Mr. Van Schoonhoven |
| Mr. Crain       | Mr. C. B. Miller | Mr. Van Valkenburgh |
| Mr. Danforth    | Mr. S. Miller    | Mr. Wells           |
| Mr. Dewey       | Mr. Morris       | Mr. Wheeler         |
| Mr. Dickson     | Mr. Morrison     | Mr. White           |
| Mr. Edwards     | Mr. Newkirk      | Mr. Whitney         |
| Mr. Fellows     | Mr. Oakley       | Mr. Wilcox          |
| Mr. Field       | Mr. Pierce       | Mr. Wyckoff         |
| Mr. Fonda       | Mr. Porter       | Mr. Wynant          |
| Mr. Frisbee     | Mr. Preston      | Mr. A. W. Young     |
| Mr. Garretson   | Mr. Rice         | Mr. J. Young        |
| Mr. D. Gould    | Mr. Rogers       |                     |

86

Those who voted in the negative are

|               |                |           |   |
|---------------|----------------|-----------|---|
| Mr. J. Brooks | Mr. Huntington | Mr. Niven | 3 |
|---------------|----------------|-----------|---|

And those who were absent are

|                  |              |                |    |
|------------------|--------------|----------------|----|
| Mr. Betts        | Mr. Dayton   | Mr. Litchfield |    |
| Mr. Blake        | Mr. De Puy   | Mr. M'Carthy   |    |
| Mr. Bloss        | Mr. Fenn     | Mr. Mann       |    |
| Mr. Brower       | Mr. Giffard  | Mr. Moulton    |    |
| Mr. S. A. Brown  | Mr. Hill     | Mr. Pardee     |    |
| Mr. T. Buel      | Mr. Hammond  | Mr. Raymond    |    |
| Mr. Bunker       | Mr. Hannum   | Mr. Ross       |    |
| Mr. Cameron      | Mr. Hazelton | Mr. Russell    |    |
| Mr. Casner       | Mr. Heermans | Mr. Sager      |    |
| Mr. Chase        | Mr. Hine     | Mr. W. Smith   |    |
| Mr. C. F. Crosby | Mr. Horton   | Mr. Speaker    |    |
| Mr. E. Crosby    | Mr. Hunt     | Mr. Walrath    |    |
| Mr. Culver       | Mr. Jones    | Mr. Worden     | 39 |

*Ordered,* That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

On motion of Mr. Morrison,

The House proceeded to the consideration of the bill entitled "An act relative to the New-York and Newhaven Railroad Company," the same having been read the third time on a previous day.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the negative; less than two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 77 | } |
|   | NAYS   | 15 |   |
|   | ABSENT | 36 |   |

Those who voted in the affirmative are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Bachman     | Mr. Harden     | Mr. Salisbury       |
| Mr. Barber      | Mr. Harris     | Mr. Searing         |
| Mr. Bevens      | Mr. Howard     | Mr. Sears           |
| Mr. Billings    | Mr. Huntington | Mr. Skelton         |
| Mr. Boughton    | Mr. Jarvis     | Mr. A. C. Smith     |
| Mr. Bowen       | Mr. Johnson    | Mr. Speaker         |
| Mr. J. Brooks   | Mr. Kinne      | Mr. Spring          |
| Mr. M. Brooks   | Mr. Knapp      | Mr. J. Stevenson    |
| Mr. L. H. Brown | Mr. D. Lee     | Mr. R. L. Stevenson |
| Mr. Burdick     | Mr. T. R. Lee  | Mr. Sirobridge      |
| Mr. Bush        | Mr. Long       | Mr. Sweeney         |
| Mr. Carpenter   | Mr. M'Donald   | Mr. Tefft           |
| Mr. Chase       | Mr. M'Key      | Mr. Thayer          |

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Coe          | Mr. M'Vean       | Mr. Thompson        |
| Mr. Collins      | Mr. Mann         | Mr. Tibbits         |
| Mr. Constant     | Mr. Mather       | Mr. Titus           |
| Mr. C. F. Crosby | Mr. Mersereau    | Mr. Tuthill         |
| Mr. Danforth     | Mr. C. B. Miller | Mr. Van Schoonhoven |
| Mr. Edwards      | Mr. S. Miller    | Mr. Wells           |
| Mr. Fellows      | Mr. Morrison     | Mr. Wheeler         |
| Mr. Field        | Mr. Niven        | Mr. White           |
| Mr. Fonda        | Mr. Oakley       | Mr. Wyckoff         |
| Mr. Frisbee      | Mr. Pierce       | Mr. Wynant          |
| Mr. Garretson    | Mr. Porter       | Mr. A. W. Young     |
| Mr. D. Gould     | Mr. Preston      | Mr. J. Young        |
| Mr. G. Gould     | Mr. Rogers       |                     |

77

Those who voted in the negative are

|                 |             |                     |
|-----------------|-------------|---------------------|
| Mr. Bagg        | Mr. Dewey   | Mr. Rice            |
| Mr. Bailey      | Mr. Dickson | Mr. Sherman         |
| Mr. A. H. Buell | Mr. Gregory | Mr. Van Valkenburgh |
| Mr. Comstock    | Mr. Hervey  | Mr. Whitney         |
| Mr. Crain       | Mr. Morris  | Mr. Wilcox          |

15

And those who were absent are

|                 |              |                |
|-----------------|--------------|----------------|
| Mr. Betts       | Mr. De Puy   | Mr. Litchfield |
| Mr. Blake       | Mr. Fenn     | Mr. M'Carthy   |
| Mr. Bloss       | Mr. Giffard  | Mr. Moulton    |
| Mr. Brower      | Mr. Hall     | Mr. Newkirk    |
| Mr. S. A. Brown | Mr. Hammond  | Mr. Pardee     |
| Mr. T. Buel     | Mr. Hannum   | Mr. Raymond    |
| Mr. Bunker      | Mr. Hazelton | Mr. Ross       |
| Mr. Cameron     | Mr. Heermans | Mr. Russell    |
| Mr. Casner      | Mr. Hine     | Mr. Sager      |
| Mr. E. Crosby   | Mr. Horton   | Mr. W. Smith   |
| Mr. Culver      | Mr. Hunt     | Mr. Walrath    |
| Mr. Dayton      | Mr. Jones    | Mr. Worden     |

36

Mr. Bailey moved that the House reconsider the vote on the final passage of the said bill.

On motion of Mr. C. F. Crosby,

*Ordered*, That the said motion of Mr. Bailey be laid on the table.

The engrossed bill entitled "An act relative to the superintendents of the poor in the county of Schenectady," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill entitled "An act relative to the sixth brigade of artillery," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bills to the Senate, and request their concurrence in the same.



The engrossed bill entitled "An act to amend an act entitled 'An act to incorporate the Williamsburgh Fire Insurance Company,'" was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 91 | } |
|   | NAYS   | 01 |   |
| { | ABSENT | 36 | } |

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Garretson    | Mr. Preston         |
| Mr. Bagg         | Mr. D. Gould     | Mr. Rice            |
| Mr. Bailey       | Mr. G. Goold     | Mr. Rogers          |
| Mr. Barber       | Mr. Gregory      | Mr. Russell         |
| Mr. Betts        | Mr. Harden       | Mr. Salisbury       |
| Mr. Bevens       | Mr. Harris       | Mr. Searing         |
| Mr. Billings     | Mr. Hervey       | Mr. Sears           |
| Mr. Boughton     | Mr. Howard       | Mr. Sherman         |
| Mr. Bowen        | Mr. Huntington   | Mr. Skelton         |
| Mr. J. Brooks    | Mr. Jarvis       | Mr. A. C. Smith     |
| Mr. M. Brooks    | Mr. Johnson      | Mr. Speaker         |
| Mr. L. H. Brown  | Mr. Kinne        | Mr. Spring          |
| Mr. A. H. Buell  | Mr. Knapp        | Mr. J. Stevenson    |
| Mr. Burdick      | Mr. D. Lee       | Mr. R. L. Stevenson |
| Mr. Bush         | Mr. T. R. Lee    | Mr. Strobridge      |
| Mr. Carpenter    | Mr. Long         | Mr. Sweeney         |
| Mr. Chase        | Mr. M'Donald     | Mr. Tefft           |
| Mr. Coe          | Mr. M'Key        | Mr. Thompson        |
| Mr. Collins      | Mr. M'Vean       | Mr. Tibbits         |
| Mr. Comstock     | Mr. Mann         | Mr. Titus           |
| Mr. Constant     | Mr. Mather       | Mr. Tuthill         |
| Mr. Crain        | Mr. Mersereau    | Mr. Van Schoonhoven |
| Mr. C. F. Crosby | Mr. C. B. Miller | Mr. Wells           |
| Mr. Danforth     | Mr. S. Miller    | Mr. White           |
| Mr. Dewey        | Mr. Morris       | Mr. Whitney         |
| Mr. Dickson      | Mr. Morrison     | Mr. Wilcox          |
| Mr. Edwards      | Mr. Oakley       | Mr. Wyckoff         |
| Mr. Fellows      | Mr. Pardee       | Mr. Wynant          |
| Mr. Field        | Mr. Pierce       | Mr. A. W. Young     |
| Mr. Fonda        | Mr. Porter       | Mr. J. Young        |
| Mr. Frisbee      |                  |                     |

91

For the negative,

Mr. Wheeler

1

And those who were absent are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Blake       | Mr. Fenn       | Mr. M'Carthy        |
| Mr. Bloss       | Mr. Giffard    | Mr. Moulton         |
| Mr. Brower      | Mr. Hall       | Mr. Newkirk         |
| Mr. S. A. Brown | Mr. Hammond    | Mr. Niven           |
| Mr. T. Buel     | Mr. Hannum     | Mr. Raymond         |
| Mr. Bunker      | Mr. Hazelton   | Mr. Ross            |
| Mr. Cameron     | Mr. Heermans   | Mr. Sager           |
| Mr. Casner      | Mr. H. ne      | Mr. W. Smith        |
| Mr. E. Crosby   | Mr. Horton     | Mr. Thayer          |
| Mr. Culver      | Mr. Hunt       | Mr. Van Valkenburgh |
| Mr. Dayton      | Mr. Jones      | Mr. Walrath         |
| Mr. De Puy      | Mr. Litchfield | Mr. Worden          |

36

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to consolidate and amend the several acts relating to the village of Rome," was read the third time.

Mr. Comstock moved to amend the said bill, by striking out "May" and inserting "April" in the second and twenty-third sections ; and by striking out the twenty-fourth section, and inserting in lieu thereof the words "The legislature may at any time alter or repeal this act."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Comstock, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to the final passage of the said bill, as amended, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 97 | } |
| { | NAYS   | 00 | } |
| { | ABSENT | 31 | } |

Those who voted in the affirmative are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Bachman     | Mr. G. Goold   | Mr. Rogers          |
| Mr. Bagg        | Mr. Gregory    | Mr. Russell         |
| Mr. Bailey      | Mr. Harden     | Mr. Salisbury       |
| Mr. Barber      | Mr. Harris     | Mr. Searing         |
| Mr. Betts       | Mr. Heermans   | Mr. Sears           |
| Mr. Bevens      | Mr. Hervey     | Mr. Sherman         |
| Mr. Billings    | Mr. Howard     | Mr. Skelton         |
| Mr. Boughton    | Mr. Huntington | Mr. A. C. Smith     |
| Mr. Bowen       | Mr. Jarvis     | Mr. Speaker         |
| Mr. J. Brooks   | Mr. Johnson    | Mr. Spring          |
| Mr. M. Brooks   | Mr. Kinne      | Mr. J. Stevenson    |
| Mr. L. H. Brown | Mr. Knapp      | Mr. R. L. Stevenson |
| Mr. A. H. Buell | Mr. D. Lee     | Mr. Strobbridge     |
| Mr. Burdick     | Mr. T. R. Lee  | Mr. Sweeney         |

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bush         | Mr. Long         | Mr. Tefft           |
| Mr. Carpenter    | Mr. M'Donald     | Mr. Thayer          |
| Mr. Chase        | Mr. M'Key        | Mr. Thompson        |
| Mr. Coe          | Mr. M'Vean       | Mr. Tibbits         |
| Mr. Collins      | Mr. Mann         | Mr. Titus           |
| Mr. Comstock     | Mr. Mather       | Mr. Tuthill         |
| Mr. Constant     | Mr. Mersereau    | Mr. Van Schoonhoven |
| Mr. Crain        | Mr. C. B. Miller | Mr. Van Valkenburgh |
| Mr. C. F. Crosby | Mr. S. Miller    | Mr. Walrath         |
| Mr. Danforth     | Mr. Morris       | Mr. Wells           |
| Mr. Dewey        | Mr. Morrison     | Mr. Wheeler         |
| Mr. Dickson      | Mr. Niven        | Mr. White           |
| Mr. Edwards      | Mr. Oakley       | Mr. Whitney         |
| Mr. Fellows      | Mr. Pardee       | Mr. Wilcox          |
| Mr. Field        | Mr. Pierce       | Mr. Wyckoff         |
| Mr. Fonda        | Mr. Porter       | Mr. Wynant          |
| Mr. Frisbee      | Mr. Preston      | Mr. A. W. Young     |
| Mr. Garretson    | Mr. Rice         | Mr. J. Young        |
| Mr. D. Gould     |                  |                     |

97

And those who were absent are

|                 |              |                |
|-----------------|--------------|----------------|
| Mr. Blake       | Mr. De Puy   | Mr. Jones      |
| Mr. Bloss       | Mr. Fenn     | Mr. Litchfield |
| Mr. Brower      | Mr. Giffard  | Mr. M'Carthy   |
| Mr. S. A. Brown | Mr. Hall     | Mr. Moulton    |
| Mr. T. Buel     | Mr. Hammond  | Mr. Newkirk    |
| Mr. Bunker      | Mr. Hannum   | Mr. Raymond    |
| Mr. Cameron     | Mr. Hazelton | Mr. Ross       |
| Mr. Casner      | Mr. Hine     | Mr. Sager      |
| Mr. E. Crosby   | Mr. Horton   | Mr. W. Smith   |
| Mr. Culver      | Mr. Hunt     | Mr. Worden     |
| Mr. Dayton      |              |                |

31

*Ordered,* That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to amend the act entitled 'An act to incorporate the village of Fredonia,' passed 1829," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 95 | } |
|   | NAYS   | 00 |   |
|   | ABSENT | 33 |   |

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. D. Gould     | Mr. Rice            |
| Mr. Bagg         | Mr. G. Goold     | Mr. Rogers          |
| Mr. Bailey       | Mr. Gregory      | Mr. Russell         |
| Mr. Barber       | Mr. Harden       | Mr. Salisbury       |
| Mr. Betts        | Mr. Harris       | Mr. Searing         |
| Mr. Bevens       | Mr. Heermans     | Mr. Sears           |
| Mr. Billings     | Mr. Hervey       | Mr. Sherman         |
| Mr. Boughton     | Mr. Howard       | Mr. A. C. Smith     |
| Mr. Bowen        | Mr. Huntington   | Mr. Speaker         |
| Mr. J. Brooks    | Mr. Jarvis       | Mr. Spring          |
| Mr. M. Brooks    | Mr. Johnson      | Mr. J. Stevenson    |
| Mr. L. H. Brown  | Mr. Kinne        | Mr. R. L. Stevenson |
| Mr. A. H. Buell  | Mr. Knapp        | Mr. Strobidge       |
| Mr. Burdick      | Mr. D. Lee       | Mr. Sweeney         |
| Mr. Bush         | Mr. T. R. Lee    | Mr. Tefft           |
| Mr. Carpenter    | Mr. Long         | Mr. Thayer          |
| Mr. Chase        | Mr. M'Donald     | Mr. Tibbits         |
| Mr. Coe          | Mr. M'Key        | Mr. Titus           |
| Mr. Collins      | Mr. M'Vean       | Mr. Tuthill         |
| Mr. Comstock     | Mr. Mann         | Mr. Van Schoonhoven |
| Mr. Constant     | Mr. Mather       | Mr. Van Valkenburgh |
| Mr. Crain        | Mr. Mersereau    | Mr. Walrath         |
| Mr. C. F. Crosby | Mr. C. B. Miller | Mr. Wells           |
| Mr. Danforth     | Mr. S. Miller    | Mr. Wheeler         |
| Mr. Dewey        | Mr. Morris       | Mr. White           |
| Mr. Dickson      | Mr. Morrison     | Mr. Whitney         |
| Mr. Edwards      | Mr. Newkirk      | Mr. Wilcox          |
| Mr. Fellows      | Mr. Niven        | Mr. Wyckoff         |
| Mr. Field        | Mr. Oakley       | Mr. Wynant          |
| Mr. Fonda        | Mr. Pardee       | Mr. A. W. Young     |
| Mr. Frisbee      | Mr. Pierce       | Mr. J. Young        |
| Mr. Garretson    | Mr. Preston      |                     |

95

And those who were absent are

|                 |              |                |
|-----------------|--------------|----------------|
| Mr. Blake       | Mr. De Puy   | Mr. Litchfield |
| Mr. Bloss       | Mr. Fenn     | Mr. M'Carthy   |
| Mr. Brower      | Mr. Gifford  | Mr. Moulton    |
| Mr. S. A. Brown | Mr. Hall     | Mr. Porter     |
| Mr. T. Buel     | Mr. Hammond  | Mr. Raymond    |
| Mr. Bunker      | Mr. Hannum   | Mr. Ross       |
| Mr. Cameron     | Mr. Hazelton | Mr. Sager      |
| Mr. Casner      | Mr. Hine     | Mr. Skelton    |
| Mr. E. Crosby   | Mr. Horton   | Mr. W. Smith   |
| Mr. Culver      | Mr. Hunt     | Mr. Thompson   |
| Mr. Dayton      | Mr. Jones    | Mr. Worden     |

33

*Ordered,* That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.



The engrossed bill entitled "An act to incorporate the Urbana Wool-len Manufacturing Company," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 94 | } |
| { | NAYS   | 03 | } |
| { | ABSENT | 31 | } |

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. G. Goold     | Mr. Preston         |
| Mr. Bagg         | Mr. Gregory      | Mr. Rice            |
| Mr. Bailey       | Mr. Hannum       | Mr. Rogers          |
| Mr. Barber       | Mr. Harden       | Mr. Russell         |
| Mr. Betts        | Mr. Harris       | Mr. Salisbury       |
| Mr. Bevins       | Mr. Heermans     | Mr. Searing         |
| Mr. Billings     | Mr. Hervey       | Mr. Sears           |
| Mr. Bowen        | Mr. Hine         | Mr. Sherman         |
| Mr. J. Brooks    | Mr. Howard       | Mr. Skelton         |
| Mr. M. Brooks    | Mr. Huntington   | Mr. A. C. Smith     |
| Mr. L. H. Brown  | Mr. Jarvis       | Mr. Speaker         |
| Mr. A. H. Buell  | Mr. Johnson      | Mr. Spring          |
| Mr. Burdick      | Mr. Kinne        | Mr. J. Stevenson    |
| Mr. Bush         | Mr. Knapp        | Mr. R. L. Stevenson |
| Mr. Carpenter    | Mr. D. Lee       | Mr. Strobidge       |
| Mr. Chase        | Mr. Long         | Mr. Sweeney         |
| Mr. Coe          | Mr. M'Donald     | Mr. Tefft           |
| Mr. Collins      | Mr. M'Key        | Mr. Thayer          |
| Mr. Comstock     | Mr. M'Vean       | Mr. Tibbits         |
| Mr. Constant     | Mr. Mann         | Mr. Titus           |
| Mr. Crain        | Mr. Mather       | Mr. Tutthill        |
| Mr. C. F. Crosby | Mr. Mersereau    | Mr. Van Schoonhoven |
| Mr. Danforth     | Mr. C. B. Miller | Mr. Van Valkenburgh |
| Mr. Dewey        | Mr. S. Miller    | Mr. Walrath         |
| Mr. Dickson      | Mr. Morris       | Mr. Wheeler         |
| Mr. Edwards      | Mr. Morrison     | Mr. White           |
| Mr. Fellows      | Mr. Newkirk      | Mr. Wilcox          |
| Mr. Field        | Mr. Oakley       | Mr. Wyckoff         |
| Mr. Fonda        | Mr. Pardee       | Mr. Wynant          |
| Mr. Frisbee      | Mr. Pierce       | Mr. A. W. Young     |
| Mr. Garretson    | Mr. Porter       | Mr. J. Young        |
| Mr. D. Gould     |                  |                     |

94

Those who voted in the negative are

|           |           |             |   |
|-----------|-----------|-------------|---|
| Mr. Niven | Mr. Wells | Mr. Whitney | 3 |
|-----------|-----------|-------------|---|

And those who were absent are

|                 |              |                |
|-----------------|--------------|----------------|
| Mr. Blake       | Mr. Dayton   | Mr. T. R. Lee  |
| Mr. Bloss       | Mr. De Puy   | Mr. Litchfield |
| Mr. Boughton    | Mr. Fenn     | Mr. M'Carthy   |
| Mr. Brower      | Mr. Giffard  | Mr. Moulton    |
| Mr. S. A. Brown | Mr. Hall     | Mr. Raymond    |
| Mr. T. Buel     | Mr. Hammond  | Mr. Ross       |
| Mr. Bunker      | Mr. Hazelton | Mr. Sager      |
| Mr. Cameron     | Mr. Horton   | Mr. W. Smith   |
| Mr. Casner      | Mr. Hunt     | Mr. Thompson   |
| Mr. E. Crosby   | Mr. Jones    | Mr. Worden     |
| Mr. Culver      |              |                |

31

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

By unanimous consent,

Mr. M. Brooks, from the select committee to which was referred the bill from the Senate, entitled "An act to reduce the number of town officers and town and county expenses, and to prevent abuses in auditing town and county accounts," with instructions to report the same complete, reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said amendments be engrossed, and the bill have its third reading.

By unanimous consent, on motion of Mr. D. Lee,

*Resolved*, That the bill relating to the funding of the debt of the city of Buffalo, be taken from the table, and referred to a select committee, consisting of the members attending this house from the county of Erie, with instructions to report the same complete.

Mr. Oakley, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to revive the act to provide for the construction of a railroad from the village of Warwick to the New-York and Erie railroad, passed May 13th, 1837, and the act amendatory, passed April 12th, 1842," and found the same correctly engrossed.

*Ordered*, That the said bill do have its third reading.

By unanimous consent,

Mr. Bailey moved that the House proceed to the consideration of the bill entitled "An act to provide for laying out and constructing a road through the Highlands, from the Croton bridge in the county of Westchester, to Fishkill landing in the county of Dutchess."

The said bill having been read the third time on a previous day, the question now recurred on the final passage of the same.

Debates were had thereon; when

Mr. Morrison called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Whereupon,

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.

|   |        |    |
|---|--------|----|
| { | AYES   | 70 |
|   | NAYS   | 25 |
|   | ABSENT | 33 |

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                  |               |                     |
|------------------|---------------|---------------------|
| Mr. Bachman      | Mr. Heermans  | Mr. Sager           |
| Mr. Bagg         | Mr. Hine      | Mr. Salisbury       |
| Mr. Bailey       | Mr. Jarvis    | Mr. Searing         |
| Mr. Barber       | Mr. Johnson   | Mr. Sears           |
| Mr. Betts        | Mr. Kinne     | Mr. A. C. Smith     |
| Mr. Bowen        | Mr. D. Lee    | Mr. Speaker         |
| Mr. J. Brooks    | Mr. T. R. Lee | Mr. Spring          |
| Mr. M. Brooks    | Mr. M'Donald  | Mr. J. Stevenson    |
| Mr. L. H. Brown  | Mr. M'Key     | Mr. Sweeney         |
| Mr. A. H. Buell  | Mr. M'Vean    | Mr. Thayer          |
| Mr. Burdick      | Mr. Mann      | Mr. Tibbits         |
| Mr. Carpenter    | Mr. Mersereau | Mr. Titus           |
| Mr. Comstock     | Mr. Morris    | Mr. Tuthill         |
| Mr. Constant     | Mr. Morrison  | Mr. Van Schoonhoven |
| Mr. C. F. Crosby | Mr. Niven     | Mr. Van Valkenburgh |
| Mr. Danforth     | Mr. Oakley    | Mr. Wheeler         |
| Mr. Dickson      | Mr. Pardee    | Mr. White           |
| Mr. Edwards      | Mr. Pierce    | Mr. Whitney         |
| Mr. Field        | Mr. Porter    | Mr. Wilcox          |
| Mr. Fonda        | Mr. Preston   | Mr. Wyckoff         |
| Mr. Garretson    | Mr. Rice      | Mr. Wynant          |
| Mr. G. Goold     | Mr. Rogers    | Mr. A. W. Young     |
| Mr. Hannum       | Mr. Russell   | Mr. J. Young        |
| Mr. Harris       |               |                     |

70

Those who voted in the negative are

|              |                |                     |
|--------------|----------------|---------------------|
| Mr. Bevins   | Mr. D. Gould   | Mr. S. Miller       |
| Mr. Boughton | Mr. Gregory    | Mr. Newkirk         |
| Mr. Bush     | Mr. Hervey     | Mr. Skelton         |
| Mr. Chase    | Mr. Howard     | Mr. R. L. Stevenson |
| Mr. Coe      | Mr. Huntington | Mr. Strobbridge     |
| Mr. Collins  | Mr. Knapp      | Mr. Tefft           |
| Mr. Crain    | Mr. Long       | Mr. Walrath         |
| Mr. Dewey    | Mr. Mather     | Mr. Wells           |
| Mr. Frisbee  |                |                     |

25

And those who were absent are

|                 |              |                  |
|-----------------|--------------|------------------|
| Mr. Billings    | Mr. Dayton   | Mr. Jones        |
| Mr. Blake       | Mr. De Puy   | Mr. Litchfield   |
| Mr. Bloss       | Mr. Fellows  | Mr. M'Carthy     |
| Mr. Brower      | Mr. Fenn     | Mr. C. B. Miller |
| Mr. S. A. Brown | Mr. Giffard  | Mr. Moulton      |
| Mr. T. Buel     | Mr. Hall     | Mr. Raymond      |
| Mr. Bunker      | Mr. Hammond  | Mr. Ross         |
| Mr. Cameron     | Mr. Harden   | Mr. Sherman      |
| Mr. Casner      | Mr. Hazelton | Mr. W. Smith     |
| Mr. E. Crosby   | Mr. Horton   | Mr. Thompson     |
| Mr. Culver      | Mr. Hunt     | Mr. Worden       |

33

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The bill entitled "An act to authorise the supervisors of the county of Schoharie to levy a tax upon the town of Carlisle, for the relief of James Dana, William Youngs and David A. Richtmyer," was returned from the Senate.

*Ordered*, That the Clerk deliver the said bill to the Governor.

The engrossed bill entitled "An act relative to taxes and jurors in the city of New-York," was read the third time.

By unanimous consent,

Mr. Wheeler moved to amend the said bill, by striking out the word "residing," after the word "person," in the first line of the second section; and by striking out all after the word "made" in the third line, until the word "and" in the fourth line of the same section.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Wheeler, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to the final passage of the said bill, as amended, and it was determined in the affirmative.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act for the relief of Patrick Fitzsimmons and James Brady," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the negative.

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 35 | } |
| { | NAYS   | 53 | } |
| { | ABSENT | 40 | } |

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|             |               |              |
|-------------|---------------|--------------|
| Mr. Bachman | Mr. Garretson | Mr. Morrison |
| Mr. Barber  | Mr. G. Goold  | Mr. Oakley   |



|                  |                |                  |
|------------------|----------------|------------------|
| Mr. Betts        | Mr. Harris     | Mr. Sears        |
| Mr. Bevens       | Mr. Heermans   | Mr. Sherman      |
| Mr. J. Brooks    | Mr. Howard     | Mr. Spring       |
| Mr. L. H. Brown  | Mr. Huntington | Mr. J. Stevenson |
| Mr. Burdick      | Mr. Jarvis     | Mr. Sweeney      |
| Mr. Coe          | Mr. Johnson    | Mr. Walrath      |
| Mr. Collins      | Mr. D. Lee     | Mr. Wheeler      |
| Mr. C. F. Crosoy | Mr. M'Key      | Mr. A. W. Young  |
| Mr. Danforth     | Mr. M'Vean     | Mr. J. Young     |
| Mr. Frisbee      | Mr. Mersereau  |                  |

35

Those who voted in the negative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bailey      | Mr. Hine         | Mr. Russell         |
| Mr. Billings    | Mr. Kinne        | Mr. Salisbury       |
| Mr. M. Brooks   | Mr. Knapp        | Mr. Searing         |
| Mr. A. H. Buell | Mr. T. R. Lee    | Mr. A. C. Smith     |
| Mr. Bush        | Mr. M'Donald     | Mr. R. L. Stevenson |
| Mr. Chase       | Mr. Mann         | Mr. Strobridge      |
| Mr. Comstock    | Mr. Mather       | Mr. Tefft           |
| Mr. Constant    | Mr. C. B. Miller | Mr. Thayer          |
| Mr. Crain       | Mr. S. Miller    | Mr. Tibbits         |
| Mr. Dewey       | Mr. Morris       | Mr. Titus           |
| Mr. Dickson     | Mr. Newkirk      | Mr. Tuthill         |
| Mr. Edwards     | Mr. Niven        | Mr. Van Schoonhoven |
| Mr. Fellows     | Mr. Pardee       | Mr. Wells           |
| Mr. Field       | Mr. Pierce       | Mr. White           |
| Mr. Fonda       | Mr. Porter       | Mr. Whitney         |
| Mr. Gregory     | Mr. Preston      | Mr. Wilcox          |
| Mr. Harden      | Mr. Rice         | Mr. Wynant          |
| Mr. Hervey      | Mr. Rogers       |                     |

53

And those who were absent are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Bagg        | Mr. Dayton     | Mr. Long            |
| Mr. Blake       | Mr. De Puy     | Mr. M'Carthy        |
| Mr. Bloss       | Mr. Fenn       | Mr. Moulton         |
| Mr. Boughton    | Mr. Giffard    | Mr. Raymond         |
| Mr. Bowen       | Mr. D. Gould   | Mr. Ross            |
| Mr. Brower      | Mr. Hall       | Mr. Sager           |
| Mr. S. A. Brown | Mr. Hammond    | Mr. Skelton         |
| Mr. T. Buel     | Mr. Hannum     | Mr. W. Smith        |
| Mr. Bunker      | Mr. Hazelton   | Mr. Speaker         |
| Mr. Cameron     | Mr. Horton     | Mr. Thompson        |
| Mr. Carpenter   | Mr. Hunt       | Mr. Van Valkenburgh |
| Mr. Casner      | Mr. Jones      | Mr. Worden          |
| Mr. E. Crosby   | Mr. Litchfield | Mr. Wyckoff         |
| Mr. Culver      |                |                     |

40

Mr. Van Schoonhoven moved that the House reconsider the vote on the final passage of the said bill.

Mr. Van Schoonhoven also moved that the question on the reconsideration of the said vote be laid on the table.

Mr. Speaker put the question whether the House would agree to the last motion of Mr. Van Schoonhoven, and it was determined in the affirmative.

Mr. Bailey, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to incorporate a fire company at Mattewan in the county of Dutchess," and found the same correctly engrossed. ¶

On motion of Mr. Bailey,

The said engrossed bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 97 | } |
| { | NAYS   | 01 | } |
| { | ABSENT | 30 | } |

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Gregory      | Mr. Rice            |
| Mr. Bagg         | Mr. Hannum       | Mr. Rogers          |
| Mr. Bailey       | Mr. Harden       | Mr. Russell         |
| Mr. Barber       | Mr. Harris       | Mr. Sager           |
| Mr. Betts        | Mr. Heermans     | Mr. Salisbury       |
| Mr. Bevins       | Mr. Hervey       | Mr. Searing         |
| Mr. Billings     | Mr. Hine         | Mr. Sears           |
| Mr. Boughton     | Mr. Howard       | Mr. Sherman         |
| Mr. Bowen        | Mr. Jarvis       | Mr. Skelton         |
| Mr. J. Brooks    | Mr. Johnson      | Mr. A. C. Smith     |
| Mr. M. Brooks    | Mr. Kinne        | Mr. Speaker         |
| Mr. L. H. Brown  | Mr. Knapp        | Mr. Spring :        |
| Mr. A. H. Buell  | Mr. D. Lee       | Mr. J. Stevenson    |
| Mr. Burdick      | Mr. T. R. Lee    | Mr. R. L. Stevenson |
| Mr. Bush         | Mr. Long         | Mr. Strobridge      |
| Mr. Chase        | Mr. M'Donald     | Mr. Sweeney         |
| Mr. Coe          | Mr. M'Key        | Mr. Tefft           |
| Mr. Collins      | Mr. M'Vean       | Mr. Thayer          |
| Mr. Comstock     | Mr. Mann         | Mr. Tibbits         |
| Mr. Constant     | Mr. Mather       | Mr. Titus           |
| Mr. Crain        | Mr. Mersereau    | Mr. Tuthill         |
| Mr. C. F. Crosby | Mr. C. B. Miller | Mr. Van Schoonhoven |
| Mr. Danforth     | Mr. S. Miller    | Mr. Walrath         |
| Mr. Dewey        | Mr. Morris       | Mr. Wells           |
| Mr. Dickson      | Mr. Morrison     | Mr. Wheeler         |
| Mr. Edwards      | Mr. Newkirk      | Mr. White           |
| Mr. Fellows      | Mr. Niven        | Mr. Whitney         |
| Mr. Field        | Mr. Oakley       | Mr. Wilcox          |

|               |             |                 |
|---------------|-------------|-----------------|
| Mr. Fonda     | Mr. Pardee  | Mr. Wyckoff     |
| Mr. Frisbee   | Mr. Pierce  | Mr. Wynant      |
| Mr. Garretson | Mr. Porter  | Mr. A. W. Young |
| Mr. D. Gould  | Mr. Preston | Mr. J. Young    |
| Mr. G. Goold  |             |                 |

97

For the negative,

Mr. Carpenter

1

And those who were absent are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Blake       | Mr. Dayton     | Mr. Jones           |
| Mr. Bloss       | Mr. De Puy     | Mr. Litchfield      |
| Mr. Brower      | Mr. Fenn       | Mr. M'Carthy        |
| Mr. S. A. Brown | Mr. Giffard    | Mr. Moulton         |
| Mr. T. Buel     | Mr. Hall       | Mr. Raymond         |
| Mr. Bunker      | Mr. Hammond    | Mr. Ross            |
| Mr. Cameron     | Mr. Hazelton   | Mr. W. Smith        |
| Mr. Casner      | Mr. Horton     | Mr. Thompson        |
| Mr. E. Crosby   | Mr. Hunt       | Mr. Van Valkenburgh |
| Mr. Culver      | Mr. Huntington | Mr. Worden          |

30

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to renew, amend and continue in force the act entitled 'An act to incorporate the Adirondack Iron and Steel Company,' passed April 12th, 1839," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |
|---|--------|----|
| { | AYES   | 92 |
|   | NAYS   | 01 |
|   | ABSENT | 35 |

Those who voted in the affirmative are

|                 |              |                     |
|-----------------|--------------|---------------------|
| Mr. Bachman     | Mr. G. Goold | Mr. Russell         |
| Mr. Bagg        | Mr. Gregory  | Mr. Sager           |
| Mr. Bailey      | Mr. Hannum   | Mr. Salisbury       |
| Mr. Barber      | Mr. Harris   | Mr. Searing         |
| Mr. Betts       | Mr. Heermans | Mr. Sears           |
| Mr. Bevens      | Mr. Hervey   | Mr. Sherman         |
| Mr. Billings    | Mr. Hine     | Mr. Skelton         |
| Mr. Boughton    | Mr. Howard   | Mr. A. C. Smith     |
| Mr. Bowen       | Mr. Jarvis   | Mr. Speaker         |
| Mr. J. Brooks   | Mr. Johnson  | Mr. Spring          |
| Mr. M. Brooks   | Mr. Kinne    | Mr. J. Stevenson    |
| Mr. L. H. Brown | Mr. Knapp    | Mr. R. L. Stevenson |

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. A. H. Buell  | Mr. D. Lee       | Mr. Strobbridge     |
| Mr. Burdick      | Mr. T. R. Lee    | Mr. Sweeney         |
| Mr. Bush         | Mr. Long         | Mr. Tefft           |
| Mr. Carpenter    | Mr. M'Donald     | Mr. Thayer          |
| Mr. Chase        | Mr. M'Key        | Mr. Thompson        |
| Mr. Coe          | Mr. M'Vean       | Mr. Tibbits         |
| Mr. Collins      | Mr. Mather       | Mr. Titus           |
| Mr. Comstock     | Mr. Mersereau    | Mr. Tuthill         |
| Mr. Constant     | Mr. C. B. Miller | Mr. Van Schoonhoven |
| Mr. Crain        | Mr. S. Miller    | Mr. Wells           |
| Mr. C. F. Crosby | Mr. Morris       | Mr. Wheeler         |
| Mr. Dewey        | Mr. Newkirk      | Mr. White           |
| Mr. Dickson      | Mr. Niven        | Mr. Whitney         |
| Mr. Edwards      | Mr. Oakley       | Mr. Wilcox          |
| Mr. Fellows      | Mr. Pardee       | Mr. Wyckoff         |
| Mr. Fonda        | Mr. Porter       | Mr. Wynant          |
| Mr. Frisbee      | Mr. Preston      | Mr. A. W. Young     |
| Mr. Garretson    | Mr. Rice         | Mr. J. Young        |
| Mr. D. Gould     | Mr. Rogers       |                     |

92

For the negative,

Mr. Mann

1

And those who were absent are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Blake       | Mr. De Puy     | Mr. Litchfield      |
| Mr. Bloss       | Mr. Fenn       | Mr. M'Carthy        |
| Mr. Brower      | Mr. Field      | Mr. Morrison        |
| Mr. S. A. Brown | Mr. Gifford    | Mr. Moulton         |
| Mr. T. Buel     | Mr. Hall       | Mr. Pierce          |
| Mr. Bunker      | Mr. Hammond    | Mr. Raymond         |
| Mr. Cameron     | Mr. Harden     | Mr. Ross            |
| Mr. Casner      | Mr. Hazelton   | Mr. W. Smith        |
| Mr. E. Crosby   | Mr. Horton     | Mr. Van Valkenburgh |
| Mr. Culver      | Mr. Hunt       | Mr. Walrath         |
| Mr. Danforth    | Mr. Huntington | Mr. Worden          |
| Mr. Dayton      | Mr. Jones      |                     |

35

*Ordered,* That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to construct a bridge over Buffalo creek, on the Abbott's road in the county of Erie," was read the third time.

*Resolved,* That the bill do pass.

*Ordered,* That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to amend an act entitled 'An act to incorporate the New-York Equitable Insurance Company,' passed April 23d, 1823, and the several acts amendatory thereof," was read the third time.



Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |
|---|--------|----|
| { | AYES   | 86 |
|   | NAYS   | 11 |
|   | ABSENT | 31 |

Those who voted in the affirmative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. Gregory      | Mr. Preston         |
| Mr. Bagg        | Mr. Hannum       | Mr. Rice            |
| Mr. Barber      | Mr. Harris       | Mr. Rogers          |
| Mr. Betts       | Mr. Heermans     | Mr. Sager           |
| Mr. Bevens      | Mr. Hervey       | Mr. Salisbury       |
| Mr. Billings    | Mr. Hine         | Mr. Sears           |
| Mr. Boughton    | Mr. Howard       | Mr. Sherman         |
| Mr. Bowen       | Mr. Jarvis       | Mr. Skelton         |
| Mr. J. Brooks   | Mr. Johnson      | Mr. A. C. Smith     |
| Mr. M. Brooks   | Mr. Kinne        | Mr. Speaker         |
| Mr. L. H. Brown | Mr. Knapp        | Mr. J. Stevenson    |
| Mr. Bunker      | Mr. D. Lee       | Mr. Strobbridge     |
| Mr. Burdick     | Mr. T. R. Lee    | Mr. Sweeney         |
| Mr. Bush        | Mr. Long         | Mr. Tefft           |
| Mr. Chase       | Mr. M'Donald     | Mr. Thayer          |
| Mr. Coe         | Mr. M'Key        | Mr. Thompson        |
| Mr. Collins     | Mr. M'Vean       | Mr. Tibbits         |
| Mr. Comstock    | Mr. Mann         | Mr. Tutthill        |
| Mr. Constant    | Mr. Mather       | Mr. Van Schoonhoven |
| Mr. Danforth    | Mr. Mersereau    | Mr. Walrath         |
| Mr. Dewey       | Mr. C. B. Miller | Mr. Wells           |
| Mr. Edwards     | Mr. S. Miller    | Mr. Wheeler         |
| Mr. Fellows     | Mr. Morris       | Mr. White           |
| Mr. Field       | Mr. Morrison     | Mr. Wilcox          |
| Mr. Fonda       | Mr. Newkirk      | Mr. Wyckoff         |
| Mr. Frisbee     | Mr. Oakley       | Mr. Wynant          |
| Mr. Garretson   | Mr. Pardee       | Mr. A. W. Young     |
| Mr. D. Gould    | Mr. Pierce       | Mr. J. Young        |
| Mr. G. Goold    | Mr. Porter       |                     |

86

Those who voted in the negative are

|                 |             |                     |
|-----------------|-------------|---------------------|
| Mr. Bailey      | Mr. Harden  | Mr. R. L. Stevenson |
| Mr. A. H. Buell | Mr. Niven   | Mr. Titus           |
| Mr. Carpenter   | Mr. Russell | Mr. Waitney         |
| Mr. Crain       | Mr. Searing |                     |

11

And those who were absent are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Blake        | Mr. De Puy     | Mr. Jones           |
| Mr. Bloss        | Mr. Dickson    | Mr. Litchfield      |
| Mr. Brower       | Mr. Fenn       | Mr. M'Carthy        |
| Mr. S. A. Brown  | Mr. Giffard    | Mr. Moulton         |
| Mr. T. Buel      | Mr. Hall       | Mr. Raymond         |
| Mr. Cameron      | Mr. Hammond    | Mr. Ross            |
| Mr. Casner       | Mr. Hazelton   | Mr. W. Smith        |
| Mr. C. F. Crosby | Mr. Horton     | Mr. Spring          |
| Mr. E. Crosby    | Mr. Hunt       | Mr. Van Valkenburgh |
| Mr. Culver       | Mr. Huntington | Mr. Worden          |
| Mr. Dayton       |                |                     |

31

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to incorporate the fire department of the village of West-Troy," was read the third time.

By unanimous consent,

Mr. Russell moved to amend the said bill, by adding the words "The legislature may at any time alter or repeal the same," at the end of the tenth section.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Russell, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to the final passage of the said bill, as amended, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 95 | } |
| { | NAYS   | 04 | } |
| { | ABSENT | 29 | } |

Those who voted in the affirmative are

|                 |               |                     |
|-----------------|---------------|---------------------|
| Mr. Bachman     | Mr. G. Goold  | Mr. Rice            |
| Mr. Bagg        | Mr. Gregory   | Mr. Rogers          |
| Mr. Bailey      | Mr. Hannum    | Mr. Russell         |
| Mr. Barber      | Mr. Harden    | Mr. Sager           |
| Mr. Betts       | Mr. Harris    | Mr. Salisbury       |
| Mr. Bevins      | Mr. Hervey    | Mr. Sears           |
| Mr. Billings    | Mr. Hine      | Mr. Sherman         |
| Mr. Boughton    | Mr. Howard    | Mr. Skelton         |
| Mr. Bowen       | Mr. Jarvis    | Mr. A. C. Smith     |
| Mr. J. Brooks   | Mr. Johnson   | Mr. Speaker         |
| Mr. M. Brooks   | Mr. Kinne     | Mr. Spring          |
| Mr. L. H. Brown | Mr. Knapp     | Mr. J. Stevenson    |
| Mr. A. H. Buell | Mr. D. Lee    | Mr. R. L. Stevenson |
| Mr. Bunker      | Mr. T. R. Lee | Mr. Strobridge      |
| Mr. Burdick     | Mr. Long      | Mr. Sweeney         |

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bush         | Mr. M'Donald     | Mr. Tefft           |
| Mr. Chase        | Mr. M'Key        | Mr. Thayer          |
| Mr. Coe          | Mr. M'Vean       | Mr. Thompson        |
| Mr. Collins      | Mr. Mann         | Mr. Tibbits         |
| Mr. Comstock     | Mr. Mather       | Mr. Tuthill         |
| Mr. Constant     | Mr. Mersereau    | Mr. Van Schoonhoven |
| Mr. C. F. Crosby | Mr. C. B. Miller | Mr. Walrath         |
| Mr. Danforth     | Mr. S. Miller    | Mr. Wells           |
| Mr. Dewey        | Mr. Morris       | Mr. Wheeler         |
| Mr. Dickson      | Mr. Morrison     | Mr. White           |
| Mr. Edwards      | Mr. Newkirk      | Mr. Whitney         |
| Mr. Fellows      | Mr. Niven        | Mr. Wilcox          |
| Mr. Field        | Mr. Oakley       | Mr. Wyckoff         |
| Mr. Fonda        | Mr. Pardee       | Mr. Wynant          |
| Mr. Frisbee      | Mr. Pierce       | Mr. A. W. Young     |
| Mr. Garretson    | Mr. Porter       | Mr. J. Young        |
| Mr. D. Gould     | Mr. Preston      |                     |

95

Those who voted in the negative are

|               |             |           |
|---------------|-------------|-----------|
| Mr. Carpenter | Mr. Searing | Mr. Titus |
| Mr. Crain     |             |           |

4

And those who were absent are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Blake       | Mr. De Puy     | Mr. Jones           |
| Mr. Bloss       | Mr. Fenn       | Mr. Litchfield      |
| Mr. Brower      | Mr. Giffard    | Mr. M'Carthy        |
| Mr. S. A. Brown | Mr. Hall       | Mr. Moulton         |
| Mr. T. Buel     | Mr. Hammond    | Mr. Raymond         |
| Mr. Cameron     | Mr. Hazelton   | Mr. Ross            |
| Mr. Casner      | Mr. Heermans   | Mr. W. Smith        |
| Mr. E. Crosby   | Mr. Horton     | Mr. Van Valkenburgh |
| Mr. Culver      | Mr. Hunt       | Mr. Worden          |
| Mr. Dayton      | Mr. Huntington |                     |

29

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to change the name of Charles Jones to Charles Jones Baxter," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
*Albany, May 2, 1845.* }

TO THE ASSEMBLY.

I have this day approved and signed the bill entitled "An act to amend an act to incorporate the Long Island Railroad Company."

The bill entitled "An act to erect the town of Ossinsing in the county of Westchester."

The bill entitled "An act to amend an act entitled 'An act to consolidate and amend the act to incorporate the city of Rochester,' passed April 11th, 1844."

The bill entitled "An act to divide the town of Virgil."

The bill entitled "An act relative to collector's fees in the town of Glenville, Schenectady county, and for other purposes."

The bill entitled "An act authorising Ira Fowler and Alfred Goodwin to continue a ferry across the Seneca lake."

And the bill entitled "An act for the relief of Ray Clarke, Ethan Ray Clarke and Samuel Ward Clarke."

SILAS WRIGHT.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bill therewith delivered, entitled "An act authorising the people of the city of Troy to elect certain officers in said city;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the incorporation of cities and villages.

By unanimous consent,

Mr. Comstock, from the committee on the judiciary, to which was referred the bill entitled "An act to amend an act to establish a recorder's court in the city of Utica, and for other purposes, passed May 7, 1844," with instructions to report the same complete, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

The bill entitled "An act to authorise J. Horsely Palmer to hold and convey real estate," was returned from the Senate.

*Ordered*, That the Clerk deliver the said bill to the Governor.

The hour of half past one o'clock having arrived,

The House took a recess until half past three o'clock this afternoon.

---

### HALF PAST THREE O'CLOCK P. M.

The House again met.

The engrossed bill entitled "An act for the relief of Mary Ann Van Riper," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill entitled "An act for the relief of John Hutchings," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill entitled "An act for the relief of William Vandervoort," was read the third time.

[ASSEMBLY JOURNAL.]



*Resolved*, That the bill do pass.

The engrossed bill entitled "An act for the relief of John E. Foley," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill entitled "An act for the relief of Joseph L. Harris," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill entitled "An act for the relief of Daniel Conyne," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill entitled "An act for the relief of Aaron Knapp," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill entitled "An act for the relief of Amos W. Scriven," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill entitled "An act for the relief of the heirs of Thomas Mott," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bills to the Senate, and request their concurrence in the same.

The engrossed bill from the Senate, entitled "An act for the relief of Lyman Carpenter," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The engrossed bill entitled "An act to vest certain powers in the board of supervisors of Sullivan county," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.

|   |        |    |
|---|--------|----|
| { | AYES   | 93 |
|   | NAYS   | 02 |
|   | ABSENT | 33 |

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |                |                 |
|-----------------|----------------|-----------------|
| Mr. Bachman     | Mr. G. Goold   | Mr. Rogers      |
| Mr. Bagg        | Mr. Hannum     | Mr. Russell     |
| Mr. Barber      | Mr. Harden     | Mr. Sager       |
| Mr. Betts       | Mr. Heermans   | Mr. Salisbury   |
| Mr. Bevens      | Mr. Hervey     | Mr. Searing     |
| Mr. Billings    | Mr. Hine       | Mr. Sears       |
| Mr. Bloss       | Mr. Horton     | Mr. Sherman     |
| Mr. Boughton    | Mr. Huntington | Mr. Skelton     |
| Mr. Bowen       | Mr. Jarvis     | Mr. A. C. Smith |
| Mr. J. Brooks   | Mr. Johnson    | Mr. Speaker     |
| Mr. L. H. Brown | Mr. Kinne      | Mr. Spring      |

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. A. H. Buell  | Mr. Knapp        | Mr. J. Stevenson    |
| Mr. Bunker       | Mr. D. Lee       | Mr. R. L. Stevenson |
| Mr. Burdick      | Mr. T. R. Lee    | Mr. Strobbridge     |
| Mr. Bush         | Mr. Long         | Mr. Sweeney         |
| Mr. Casner       | Mr. M'Donald     | Mr. Tefft           |
| Mr. Chase        | Mr. M'Key        | Mr. Thayer          |
| Mr. Coe          | Mr. M'Vean       | Mr. Thompson        |
| Mr. Collins      | Mr. Mann         | Mr. Tibbits         |
| Mr. Comstock     | Mr. Mather       | Mr. Titus           |
| Mr. Constant     | Mr. Mersereau    | Mr. Tuthill         |
| Mr. Crain        | Mr. C. B. Miller | Mr. Van Schoonhoven |
| Mr. C. F. Crosoy | Mr. S. Miller    | Mr. Van Valkenburgh |
| Mr. Danforth     | Mr. Newkirk      | Mr. Walrath         |
| Mr. Dewey        | Mr. Niven        | Mr. Wheeler         |
| Mr. Dickson      | Mr. Oakley       | Mr. White           |
| Mr. Edwards      | Mr. Pardee       | Mr. Wilcox          |
| Mr. Fellows      | Mr. Pierce       | Mr. Wyckoff         |
| Mr. Field        | Mr. Porter       | Mr. Wynant          |
| Mr. Frisbee      | Mr. Preston      | Mr. A. W. Young     |
| Mr. Garretson    | Mr. Rice         | Mr. J. Young        |

93

Those who voted in the negative are

|              |           |   |
|--------------|-----------|---|
| Mr. D. Gould | Mr. Wells | 2 |
|--------------|-----------|---|

And those who were absent are

|                 |              |                |
|-----------------|--------------|----------------|
| Mr. Bailey      | Mr. De Puy   | Mr. Jones      |
| Mr. Blake       | Mr. Fenn     | Mr. Litchfield |
| Mr. M. Brooks   | Mr. Fonda    | Mr. M'Carthy   |
| Mr. Brower      | Mr. Giffard  | Mr. Morris     |
| Mr. S. A. Brown | Mr. Gregory  | Mr. Morrison   |
| Mr. T. Buel     | Mr. Hall     | Mr. Moulton    |
| Mr. Cameron     | Mr. Hammond  | Mr. Raymond    |
| Mr. Carpenter   | Mr. Harris   | Mr. Ross       |
| Mr. E. Crosby   | Mr. Hazelton | Mr. W. Smith   |
| Mr. Culver      | Mr. Howard   | Mr. Whitney    |
| Mr. Dayton      | Mr. Hunt     | Mr. Worden     |

33

*Ordered,* That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act for the relief of John J. Hopper," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |
|---|--------|----|
| { | AYES   | 95 |
|   | NAYS   | 00 |
|   | ABSENT | 33 |

## Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. D. Gould     | Mr. Rice            |
| Mr. Bagg         | Mr. G. Goold     | Mr. Rogers          |
| Mr. Barber       | Mr. Gregory      | Mr. Russell         |
| Mr. Betts        | Mr. Hannum       | Mr. Sager           |
| Mr. Bevens       | Mr. Harden       | Mr. Salisbury       |
| Mr. Billings     | Mr. Heermans     | Mr. Searing         |
| Mr. Bloss        | Mr. Hervey       | Mr. Sears           |
| Mr. Boughton     | Mr. Hine         | Mr. Sherman         |
| Mr. Bowen        | Mr. Horton       | Mr. Skelton         |
| Mr. J. Brooks    | Mr. Huntington   | Mr. A. C. Smith     |
| Mr. M. Brooks    | Mr. Jarvis       | Mr. Spring          |
| Mr. L. H. Brown  | Mr. Johnson      | Mr. R. L. Stevenson |
| Mr. A. H. Buell  | Mr. Kinne        | Mr. Strobbridge     |
| Mr. Bunker       | Mr. Knapp        | Mr. Sweeney         |
| Mr. Burdick      | Mr. D. Lee       | Mr. Tefft           |
| Mr. Bush         | Mr. T. R. Lee    | Mr. Thayer          |
| Mr. Chase        | Mr. Long         | Mr. Thompson        |
| Mr. Casner       | Mr. M'Donald     | Mr. Tibbits         |
| Mr. Coe          | Mr. M'Key        | Mr. Titus           |
| Mr. Collins      | Mr. M'Vean       | Mr. Tuthill         |
| Mr. Comstock     | Mr. Mann         | Mr. Van Schoonhoven |
| Mr. Constant     | Mr. Mather       | Mr. Van Valkenburgh |
| Mr. Crain        | Mr. Mersereau    | Mr. Walrath         |
| Mr. C. F. Crosby | Mr. C. B. Miller | Mr. Wells           |
| Mr. Danforth     | Mr. S. Miller    | Mr. Wheeler         |
| Mr. Dewey        | Mr. Newkirk      | Mr. White.          |
| Mr. Dickson      | Mr. Niven        | Mr. Wilcox          |
| Mr. Edwards      | Mr. Oakley       | Mr. Wyckoff         |
| Mr. Fellows      | Mr. Pardee       | Mr. Wynant          |
| Mr. Field        | Mr. Pierce       | Mr. A. W. Young     |
| Mr. Frisbee      | Mr. Porter       | Mr. J. Young        |
| Mr. Garretson    | Mr. Preston      |                     |

95

## And those who were absent are

|                 |                |                  |
|-----------------|----------------|------------------|
| Mr. Bailey      | Mr. Fenn       | Mr. M'Carthy     |
| Mr. Blake       | Mr. Fonda      | Mr. Morris       |
| Mr. Brower      | Mr. Gifford    | Mr. Morrison     |
| Mr. S. A. Brown | Mr. Hall       | Mr. Moulton      |
| Mr. T. Buel     | Mr. Hammond    | Mr. Raymond      |
| Mr. Cameron     | Mr. Harris     | Mr. Ross         |
| Mr. Carpenter   | Mr. Hazelton   | Mr. W. Smith     |
| Mr. E. Crosby   | Mr. Howard     | Mr. Speaker      |
| Mr. Culver      | Mr. Hunt       | Mr. J. Stevenson |
| Mr. Dayton      | Mr. Jones      | Mr. Whitney      |
| Mr. De Puy      | Mr. Litchfield | Mr. Worden       |

33

*Ordered,* That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

By unanimous consent,

Mr. Van Valkenburgh, from the committee on railroads, to which was referred the bill entitled "An act to revive the charter of the Watertown and Rome Railroad Company," with instructions to report the same complete, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered,* That the said bill be engrossed for a third reading.

By unanimous consent,

Mr. Van Valkenburgh, from the committee on railroads, to which was referred the bill entitled "An act to revive an act for the construction of a railroad from Watertown in Jefferson county, to Cape Vincent, passed May 13th, 1836," with instructions to report the same complete, reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered,* That the said bill be engrossed for a third reading.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bill therewith delivered, entitled "An act relative to the expenses incurred in enforcing the laws and preserving order in the county of Cattaraugus."

The said bill was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to provide for the construction of a railroad from the village of Canandaigua in the county of Ontario, to the village of Corning in the county of Steuben," and found the same correctly engrossed.

*Ordered,* That the said bill do have its third reading.

A message from the Governor was received and read, in the words following, to wit:

EXECUTIVE CHAMBER, }  
Albany, May 5, 1845. }

TO THE ASSEMBLY.

I have this day approved and signed the bill entitled "An act to authorise the supervisors of the county of Schoharie to levy a tax upon the town of Carlisle, for the relief of James Dana, William Youngs and David A. Richtmyer."

SILAS WRIGHT.

Mr. D. Lee moved that the order of business, consisting of "Third reading of bills," be passed over.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. D. Lee, and it was determined in the affirmative.

The House then resolved itself into a committee of the whole, on the bill entitled "An act for the promotion of agricultural science;" on the



bill entitled "An act to aid the College of Physicians and Surgeons in the city of New-York," and on the bill entitled "An act to amend an act entitled 'An act in relation to the Natural History of New-York ;'" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. L. H. Brown, from the said committee, reported, that the committee had gone through the bill entitled "An act for the promotion of agricultural science," made sundry amendments thereto, and agreed to the same ; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. L. H. Brown, from the same committee, reported, that the committee had gone through the bill entitled "An act to aid the College of Physicians and Surgeons in the city of New-York," made sundry amendments thereto, and agreed to the same ; which he was directed to report to the house.

On motion of Mr. Coe,

Mr. Speaker put the question whether the House would agree to the amendment made by the committee of the whole to the first section of the said bill, striking out of the third line the words "from the literature fund," and inserting "from money in the treasury not otherwise appropriated," and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree with the committee of the whole in the remainder of their report on the said bill, and it was determined in the affirmative.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. L. H. Brown, from the same committee, reported progress on the bill entitled "An act to amend an act entitled 'An act in relation to the Natural History of New-York,'" and asked for leave to sit again.

Mr. T. R. Lee moved to refer the said bill to a select committee, with instructions to report the same complete.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. T. R. Lee, and it was determined in the affirmative.

Mr. Oakley, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act for the reorganization of the Almshouse Department in the city and county of New-York," and found the same correctly engrossed.

*Ordered,* That the said bill do have its third reading.

A message from the Senate, with the bill therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act in relation to the Normal School," with the amendments therewith delivered.

The said amendments having been read,

Mr. L. H. Brown moved that the House concur in the same.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. L. H. Brown, and it was determined in the affirmative.

*Ordered,* That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred with them in the said amendments, and amended the bill accordingly.

Mr. Morrison moved a reconsideration of the vote on the final passage of the bill requiring the Long Island Railroad Company to fence their road.

Mr. Morrison also moved that the question on the reconsideration of the said vote be laid on the table.

Mr. Speaker put the question whether the House would agree to the last motion of Mr. Morrison, and it was determined in the affirmative.

On motion of Mr. C. F. Crosby,

The House then adjourned to nine o'clock to-morrow morning.

---

## TUESDAY, MAY 6, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Miles.

The minutes of yesterday were read and approved.

The petition of sundry inhabitants of the county of Orleans, praying for an investigation of the affairs of railroad companies, relative to the effect of free tickets granted to legislators, judges and editors, was read, and referred to the committee on railroads.

The petition of sundry inhabitants of the city of Buffalo, praying for the removal of the cross section in Blackrock harbor, and for the construction of an independent canal, was read, and referred to the committee on canals.

Two several petitions of sundry inhabitants of the county of Erie, praying for the equalization of tolls on the Erie and Oswego canals, were read, and ordered to be laid on the table.

Two several petitions of sundry inhabitants of the county of Erie, praying for a reduction of lawyer's fees, were read, and ordered to be laid on the table.

The remonstrance of Henry B. Armstrong of the town of Redhook in the county of Dutchess, relative to the taxation of rents, was read, and referred to the committee of the whole when on the bill upon that subject.

Mr. Oakley, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to incorporate the Empire Mutual Insurance Company," and found the same correctly engrossed.

*Ordered*, That the said bill do have its third reading.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act authorising Simeon Westfall to establish and continue a ferry across the Delaware river," and found the same correctly engrossed.

*Ordered*, That the said bill do have its third reading.

Mr. D. Gould, from the committee on railroads, to which was referred the bill entitled "An act amendatory of an act to amend an act incorporating the Utica and Schenectady Railroad Company," with instructions to report the same complete, reported, that the committee had gone

through the said bill, made sundry amendments thereto, and agreed to the same ; which he was directed to report to the house.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the petition of sundry citizens of the city of New-York, praying for a revision of the quarantine laws of the port of New-York, reported in writing, and concluded by offering the following resolution, to wit :

*Resolved*, That a committee of three be appointed to examine the quarantine laws of the port of New-York ; to take testimony in relation thereto ; and to report the facts, and such alterations in the said laws as in their opinion shall be expedient, at the next session of the Legislature.

[ See Document No. 243.]

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

By unanimous consent,

Mr. Russell moved that the bill from the Senate, entitled "An act in relation to the census or enumeration of the inhabitants of this State," with the engrossed amendments thereto, be now read the third time.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Russell, and it was determined in the affirmative.

The said bill and amendments were then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill and amendments, and it was determined in the affirmative.

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same with the amendments thereto therewith delivered.

Mr. Carpenter, from the committee on grievances, to which was referred the petition of William Smith, praying for relief, reported favorably to the prayer of the petitioner, and asked leave to bring in a bill.

Leave being granted, Mr. Carpenter accordingly brought in the said bill, entitled "An act for the relief of William Smith ;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Tefft, from the committee on claims, to which was referred the bill from the Senate, entitled "An act for the relief of William Mac Lachlin," reported, that the committee had examined the said bill, and do recommend that the same be rejected.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. L. H. Brown, from the committee on colleges, academies and common schools, to which was referred the bill from the Senate, entitled "An act to compel the trustees of the Lancaster school in the village of Poughkeepsie to pay over certain school monies to the board of education in said village," reported, that the committee had examined the said bill, and do recommend that the same be rejected.



*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. D. Lee, from the select committee to which was referred the bill entitled "An act to authorise the common council of the city of Buffalo to borrow money, and for other purposes," with the amendments of the the Senate thereto, reported, that the committee had examined the said amendments, and do recommend that the House non-concur therein, and that a committee of conference be appointed on the same.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

Mr. J. Young, from the committee on the judiciary, to which was referred the bill from the Senate, entitled "An act relative to the expenses incurred in enforcing the laws and preserving order in the county of Cattaraugus," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

On motion of Mr. J. Young,

*Ordered*, That the said bill do have its third reading.

The engrossed bill from the Senate, entitled "An act to reduce the number of town officers and town and county expenses, and to prevent abuses in auditing town and county accounts," together with the engrossed amendments, was read the third time.

Debates were had thereon ; when, by unanimous consent,

Mr. J. Young moved to amend the twenty-sixth section of the said bill, by striking out all after the word "notices," and inserting "the rate per cent for collecting to be fixed at the annual town meeting, but in no case to exceed three per cent."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. J. Young, and it was determined in the affirmative.

By unanimous consent,

Mr. Russell moved to amend the twenty-eighth section of the said bill, by inserting "except upon taxes on lands of non-residents," after the word "collection" in the second line.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Russell, and it was determined in the affirmative.

Debates were again had upon the said bill ; when

Mr. M. Brooks called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Whereupon,

Mr. Speaker put the question whether the House would agree to the final passage of the said bill and amendments, and it was determined in the affirmative.

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 73 | } |
| { | NAYS   | 20 | } |
| { | ABSENT | 35 | } |

The ayes and nays being required by ten members,



Those who voted in the affirmative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. Frisbee      | Mr. Pardee          |
| Mr. Bagg        | Mr. Garretson    | Mr. Pierce          |
| Mr. Bailey      | Mr. Hannum       | Mr. Preston         |
| Mr. Barber      | Mr. Harden       | Mr. Ross            |
| Mr. Betts       | Mr. Harris       | Mr. Russell         |
| Mr. Bevens      | Mr. Heermans     | Mr. Salisbury       |
| Mr. Billings    | Mr. Hervey       | Mr. Searing         |
| Mr. Boughton    | Mr. Hine         | Mr. Sherman         |
| Mr. Bowen       | Mr. Howard       | Mr. J. Stevenson    |
| Mr. M. Brooks   | Mr. Huntington   | Mr. R. L. Stevenson |
| Mr. A. H. Buell | Mr. Jarvis       | Mr. Strobridge      |
| Mr. Bunker      | Mr. Johnson      | Mr. Sweeney         |
| Mr. Burdick     | Mr. Kinne        | Mr. Tefft           |
| Mr. Carpenter   | Mr. D. Lee       | Mr. Thayer          |
| Mr. Casner      | Mr. T. R. Lee    | Mr. Tibbits         |
| Mr. Chase       | Mr. Litchfield   | Mr. Titus           |
| Mr. Coe         | Mr. M'Donald     | Mr. Van Schoonhoven |
| Mr. Collins     | Mr. M'Key        | Mr. Walrath         |
| Mr. Comstock    | Mr. M'Vean       | Mr. Wells           |
| Mr. Constant    | Mr. Mann         | Mr. Wheeler         |
| Mr. Crain       | Mr. Mersereau    | Mr. Wilcox          |
| Mr. Danforth    | Mr. C. B. Miller | Mr. Wyckoff         |
| Mr. Dickson     | Mr. S. Miller    | Mr. Wynant          |
| Mr. Edwards     | Mr. Newkirk      | Mr. J. Young        |
| Mr. Fonda       |                  |                     |

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Those who voted in the negative are

|                  |              |                 |
|------------------|--------------|-----------------|
| Mr. Bloss        | Mr. G. Goold | Mr. Porter      |
| Mr. J. Brooks    | Mr. Gregory  | Mr. Rice        |
| Mr. L. H. Brown  | Mr. Hazelton | Mr. Sager       |
| Mr. C. F. Crosby | Mr. Horton   | Mr. White       |
| Mr. Fellows      | Mr. Knapp    | Mr. Whitney     |
| Mr. Field        | Mr. Long     | Mr. A. W. Young |
| Mr. D. Gould     | Mr. Niven    |                 |

20

And those who were absent are

|                 |              |                     |
|-----------------|--------------|---------------------|
| Mr. Blake       | Mr. Giffard  | Mr. Rogers          |
| Mr. Brower      | Mr. Hall     | Mr. Sears           |
| Mr. S. A. Brown | Mr. Hammond  | Mr. Skelton         |
| Mr. T. Buel     | Mr. Hunt     | Mr. A. C. Smith     |
| Mr. Bush        | Mr. Jones    | Mr. W. Smith        |
| Mr. Cameron     | Mr. M'Carthy | Mr. Speaker         |
| Mr. E. Crosby   | Mr. Mather   | Mr. Spring          |
| Mr. Culver      | Mr. Morris   | Mr. Thompson        |
| Mr. Dayton      | Mr. Morrison | Mr. Tuthill         |
| Mr. De Puy      | Mr. Moulton  | Mr. Van Valkenburgh |
| Mr. Dewey       | Mr. Oakley   | Mr. Worden          |
| Mr. Fenn        | Mr. Raymond  |                     |

35

Mr. Danforth moved that the House reconsider the vote on the final passage of the said bill and amendments.

Mr. Danforth also moved that the question on the reconsideration of the said vote be laid on the table.

Mr. Speaker put the question whether the House would agree to the last motion of Mr. Danforth, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the first motion of Mr. Danforth, and it was determined in the negative.

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same with the amendments thereto therewith delivered.

The engrossed bill from the Senate, entitled "An act to incorporate the village of Dansville," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |     |   |
|---|--------|-----|---|
| { | AYES   | 102 | } |
| { | NAYS   | 00  | } |
| { | ABSENT | 26  | } |

Those who voted in the affirmative are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Bachman     | Mr. Garretson  | Mr. Porter          |
| Mr. Bagg        | Mr. D. Gould   | Mr. Preston         |
| Mr. Bailey      | Mr. G. Goold   | Mr. Rice            |
| Mr. Barber      | Mr. Gregory    | Mr. Ross            |
| Mr. Betts       | Mr. Hannum     | Mr. Sager           |
| Mr. Bevens      | Mr. Harden     | Mr. Salisbury       |
| Mr. Billings    | Mr. Harris     | Mr. Searing         |
| Mr. Bloss       | Mr. Hazelton   | Mr. Sears           |
| Mr. Boughton    | Mr. Heermans   | Mr. Sherman         |
| Mr. Bowen       | Mr. Hervey     | Mr. Skelton         |
| Mr. J. Brooks   | Mr. Hine       | Mr. A. C. Smith     |
| Mr. M. Brooks   | Mr. Horton     | Mr. Speaker         |
| Mr. L. H. Brown | Mr. Howard     | Mr. Spring          |
| Mr. A. H. Buell | Mr. Huntington | Mr. J. Stevenson    |
| Mr. Bunker      | Mr. Jarvis     | Mr. R. L. Stevenson |
| Mr. Burdick     | Mr. Johnson    | Mr. Strobbridge     |
| Mr. Bush        | Mr. Kinne      | Mr. Sweeney         |
| Mr. Carpenter   | Mr. Knapp      | Mr. Tefft           |
| Mr. Casner      | Mr. D. Lee     | Mr. Thayer          |
| Mr. Chase       | Mr. T. R. Lee  | Mr. Thompson        |
| Mr. Coe         | Mr. Litchfield | Mr. Tibbits         |
| Mr. Collins     | Mr. Long       | Mr. Titus           |
| Mr. Comstock    | Mr. M'Donald   | Mr. Tuthill         |
| Mr. Constant    | Mr. M'Key      | Mr. Van Schoonhoven |
| Mr. Crain       | Mr. M'Vean     | Mr. Walrath         |

|                  |                  |                 |
|------------------|------------------|-----------------|
| Mr. C. F. Crosby | Mr. Mann         | Mr. Wells       |
| Mr. Danforth     | Mr. Mather       | Mr. Wheeler     |
| Mr. De Puy       | Mr. Mersereau    | Mr. White       |
| Mr. Dickson      | Mr. C. B. Miller | Mr. Whitney     |
| Mr. Edwards      | Mr. S. Miller    | Mr. Wilcox      |
| Mr. Fellows      | Mr. Newkirk      | Mr. Wyckoff     |
| Mr. Field        | Mr. Oakley       | Mr. Wynant      |
| Mr. Fonda        | Mr. Pardee       | Mr. A. W. Young |
| Mr. Frisbee      | Mr. Pierce       | Mr. J. Young    |

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And those who were absent are

|                 |              |                     |
|-----------------|--------------|---------------------|
| Mr. Blake       | Mr. Fenn     | Mr. Moulton         |
| Mr. Brower      | Mr. Giffard  | Mr. Niven           |
| Mr. S. A. Brown | Mr. Hall     | Mr. Raymond         |
| Mr. T. Buel     | Mr. Hammond  | Mr. Rogers          |
| Mr. Cameron     | Mr. Hunt     | Mr. Russell         |
| Mr. E. Crosby   | Mr. Jones    | Mr. W. Smith        |
| Mr. Culver      | Mr. M'Carthy | Mr. Van Valkenburgh |
| Mr. Dayton      | Mr. Morris   | Mr. Worden          |
| Mr. Dewey       | Mr. Morrison |                     |

26

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The Chair announced the appointment of a committee of conference on the part of the Assembly, on the amendments of the Senate to the bill entitled "An act to authorise the common council of the city of Buffalo to borrow money, and for other purposes," to consist of Mr. D. Lee, Mr. Russell, Mr. Crain, Mr. Howard and Mr. J. Young.

*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have non-concurred in the said amendments, and recommend the appointment of a committee of conference on the part of the Senate on the said bill and amendments; and in case such appointment be made, that Mr. D. Lee, Mr. Russell, Mr. Crain, Mr. Howard and Mr. J. Young are of such committee on the part of the Assembly.

Leave of absence was asked for by Mr. Van Valkenburgh, Mr. Rogers, Mr. Hall and Mr. M'Carthy.

Mr. Speaker put the question whether the House would grant such leave, and it was determined in the negative.

By unanimous consent,

Mr. J. Young offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That the bill entitled "An act relative to the publication of the session laws," be ordered to have its third reading.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

The engrossed bill entitled "An act in relation to stocks in monied corporations, held by the State, or by literary or charitable institutions," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to extend for a limited period the charter of the Bank of Rochester," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the negative; less than two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 81 | } |
| { | NAYS   | 19 | } |
| { | ABSENT | 28 | } |

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Hannum       | Mr. Rice            |
| Mr. Bagg         | Mr. Harris       | Mr. Ross            |
| Mr. Barber       | Mr. Hazelton     | Mr. Russell         |
| Mr. Betts        | Mr. Heermans     | Mr. Sears           |
| Mr. Billings     | Mr. Hervey       | Mr. Sherman         |
| Mr. Bloss        | Mr. Hine         | Mr. Skelton         |
| Mr. Boughton     | Mr. Horton       | Mr. A. C. Smith     |
| Mr. Bowen        | Mr. Howard       | Mr. Spring          |
| Mr. M. Brooks    | Mr. Huntington   | Mr. J. Stevenson    |
| Mr. Bunker       | Mr. Jarvis       | Mr. R. L. Stevenson |
| Mr. Burdick      | Mr. Johnson      | Mr. Sweeney         |
| Mr. Bush         | Mr. Knapp        | Mr. Tefft           |
| Mr. Casner       | Mr. D. Lee       | Mr. Thayer          |
| Mr. Coe          | Mr. Litchfield   | Mr. Thompson        |
| Mr. Collins      | Mr. Long         | Mr. Tibbits         |
| Mr. Comstock     | Mr. M'Key        | Mr. Titus           |
| Mr. Constant     | Mr. M'Vean       | Mr. Tuthill         |
| Mr. C. F. Crosby | Mr. Mann         | Mr. Van Schoonhoven |
| Mr. De Puy       | Mr. Mather       | Mr. Walrath         |
| Mr. Dickson      | Mr. Mersereau    | Mr. Wells           |
| Mr. Edwards      | Mr. C. B. Miller | Mr. Wheeler         |
| Mr. Field        | Mr. S. Miller    | Mr. White           |
| Mr. Fonda        | Mr. Morrison     | Mr. Wilcox          |
| Mr. Frisbee      | Mr. Niven        | Mr. Wyckoff         |
| Mr. Garretson    | Mr. Oakley       | Mr. Wynant          |
| Mr. G. Gould     | Mr. Pierce       | Mr. A. W. Young     |
| Mr. Gregory      | Mr. Preston      | Mr. J. Young        |

81

Those who voted in the negative are

|                 |              |             |
|-----------------|--------------|-------------|
| Mr. Bailey      | Mr. Danforth | Mr. Newkirk |
| Mr. Bevens      | Mr. Fellows  | Mr. Pardee  |
| Mr. J. Brooks   | Mr. D. Gould | Mr. Porter  |
| Mr. L. H. Brown | Mr. Harden   | Mr. Sager   |



Mr. A. H. Buell  
Mr. Chase  
Mr. Crain

Mr. Kinne  
Mr. M'Donald

Mr. Salisbury  
Mr. Strobbridge

19

And those who were absent are

Mr. Blake  
Mr. Brower  
Mr. S. A. Brown  
Mr. T. Buel  
Mr. Cameron  
Mr. Carpenter  
Mr. E. Crosby  
Mr. Culver  
Mr. Dayton  
Mr. Dewey

Mr. Fenn  
Mr. Giffard  
Mr. Hall  
Mr. Hammond  
Mr. Hunt  
Mr. Jones  
Mr. T. R. Lee  
Mr. M'Carthy  
Mr. Morris

Mr. Moulton  
Mr. Raymond  
Mr. Rogers  
Mr. Searing  
Mr. W. Smith  
Mr. Speaker  
Mr. Van Valkenburgh  
Mr. Whitney  
Mr. Worden

28

Mr. M. Brooks gave notice that he would, to-morrow, move to suspend the fiftieth rule of the house.

The engrossed bill entitled "An act to incorporate the Mechanics' and Workingmen's Association of Williamsburgh," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |     |
|---|--------|-----|
| { | AYES   | 100 |
| { | NAYS   | 00  |
| { | ABSENT | 28  |

Those who voted in the affirmative are

Mr. Bachman  
Mr. Bagg  
Mr. Bailey  
Mr. Barber  
Mr. Betts  
Mr. Bevens  
Mr. Billings  
Mr. Bloss  
Mr. Boughton  
Mr. Bowen  
Mr. J. Brooks  
Mr. L. H. Brown  
Mr. A. H. Buell  
Mr. Bunker  
Mr. Burdick  
Mr. Bush  
Mr. Carpenter  
Mr. Chase

Mr. G. Goold  
Mr. Gregory  
Mr. Hannum  
Mr. Harden  
Mr. Harris  
Mr. Heermans  
Mr. Hervey  
Mr. Hine  
Mr. Horton  
Mr. Howard  
Mr. Huntington  
Mr. Jarvis  
Mr. Johnson  
Mr. Kinne  
Mr. Knapp  
Mr. D. Lee  
Mr. T. R. Lee  
Mr. Litchfield

Mr. Preston  
Mr. Rice  
Mr. Ross  
Mr. Russell  
Mr. Sager  
Mr. Salisbury  
Mr. Searing  
Mr. Sears  
Mr. Sherman  
Mr. Skelton  
Mr. A. C. Smith  
Mr. Speaker  
Mr. Spring  
Mr. J. Stevenson  
Mr. R. L. Stevenson  
Mr. Strobbridge  
Mr. Sweeney  
Mr. Tefft

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Casner       | Mr. Long         | Mr. Thayer          |
| Mr. Coe          | Mr. M'Donald     | Mr. Thompson        |
| Mr. Collins      | Mr. M'Key        | Mr. Tibbits         |
| Mr. Comstock     | Mr. M'Vean       | Mr. Titus           |
| Mr. Constant     | Mr. Mann         | Mr. Tuthill         |
| Mr. Crain        | Mr. Mather       | Mr. Van Schoonhoven |
| Mr. C. F. Crosby | Mr. Mersereau    | Mr. Walrath         |
| Mr. Danforth     | Mr. C. B. Miller | Mr. Wheeler         |
| Mr. De Puy       | Mr. S. Miller    | Mr. White           |
| Mr. Dickson      | Mr. Newkirk      | Mr. Whitney         |
| Mr. Edwards      | Mr. Niven        | Mr. Wilcox          |
| Mr. Fellows      | Mr. Oakley       | Mr. Wyckoff         |
| Mr. Field        | Mr. Pardee       | Mr. Wynant          |
| Mr. Frisbee      | Mr. Pierce       | Mr. A. W. Young     |
| Mr. Garretson    | Mr. Porter       | Mr. J. Young        |
| Mr. D. Gould     |                  |                     |

100

And those who were absent are

|                 |              |                     |
|-----------------|--------------|---------------------|
| Mr. Blake       | Mr. Fenn     | Mr. Morris          |
| Mr. M. Brooks   | Mr. Fonda    | Mr. Morrison        |
| Mr. Brower      | Mr. Gifford  | Mr. Moulton         |
| Mr. S. A. Brown | Mr. Hall     | Mr. Raymond         |
| Mr. T. Buel     | Mr. Hammond  | Mr. Rogers          |
| Mr. Cameron     | Mr. Hazelton | Mr. W. Smith        |
| Mr. E. Crosby   | Mr. Hunt     | Mr. Van Valkenburgh |
| Mr. Culver      | Mr. Jones    | Mr. Wells           |
| Mr. Dayton      | Mr. M'Carthy | Mr. Worden          |
| Mr. Dewey       |              |                     |

28

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act for the relief of John Sanford and William Eggleston," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act for the relief of Asa T. Smith," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.

|   |        |    |
|---|--------|----|
| { | AYES   | 73 |
|   | NAYS   | 26 |
|   | ABSENT | 29 |

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Fonda        | Mr. Newkirk         |
| Mr. Bagg         | Mr. Frisbee      | Mr. Oakley          |
| Mr. Barber       | Mr. Garretson    | Mr. Pierce          |
| Mr. Betts        | Mr. D. Gould     | Mr. Porter          |
| Mr. Bevens       | Mr. G. Goold     | Mr. Rice            |
| Mr. Billings     | Mr. Hannum       | Mr. Ross            |
| Mr. Bloss        | Mr. Harris       | Mr. Sager           |
| Mr. Boughton     | Mr. Heermans     | Mr. Salisbury       |
| Mr. Bowen        | Mr. Hervey       | Mr. Sears           |
| Mr. J. Brooks    | Mr. Horton       | Mr. Sherman         |
| Mr. M. Brooks    | Mr. Howard       | Mr. Speaker         |
| Mr. L. H. Brown  | Mr. Huntington   | Mr. Spring          |
| Mr. Burdick      | Mr. Jarvis       | Mr. J. Stevenson    |
| Mr. Bush         | Mr. Johnson      | Mr. Sweeney         |
| Mr. Carpenter    | Mr. Knapp        | Mr. Tibbits         |
| Mr. Casner       | Mr. D. Lee       | Mr. Van Schoonhoven |
| Mr. Coe          | Mr. Litchfield   | Mr. Walrath         |
| Mr. Collins      | Mr. Long         | Mr. Wells           |
| Mr. Comstock     | Mr. M'Key        | Mr. Wheeler         |
| Mr. C. F. Crosby | Mr. M'Vean       | Mr. White           |
| Mr. Danforth     | Mr. Mann         | Mr. Wyckoff         |
| Mr. De Puy       | Mr. Mersereau    | Mr. Wynant          |
| Mr. Edwards      | Mr. C. B. Miller | Mr. A. W. Young     |
| Mr. Fellows      | Mr. Morrison     | Mr. J. Young        |
| Mr. Field        |                  |                     |

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Those who voted in the negative are

|              |                 |                     |
|--------------|-----------------|---------------------|
| Mr. Bailey   | Mr. T. R. Lee   | Mr. R. L. Stevenson |
| Mr. Bunker   | Mr. M'Donald    | Mr. Strobridge      |
| Mr. Chase    | Mr. S. Miller   | Mr. Tefft           |
| Mr. Constant | Mr. Niven       | Mr. Thayer          |
| Mr. Dickson  | Mr. Pardee      | Mr. Thompson        |
| Mr. Gregory  | Mr. Preston     | Mr. Titus           |
| Mr. Hazelton | Mr. Russell     | Mr. Tuthill         |
| Mr. Hine     | Mr. Searing     | Mr. Whitney         |
| Mr. Kinne    | Mr. A. C. Smith |                     |

26

And those who were absent are

|                 |              |                     |
|-----------------|--------------|---------------------|
| Mr. Blake       | Mr. Dewey    | Mr. Morris          |
| Mr. Brower      | Mr. Fenn     | Mr. Moulton         |
| Mr. S. A. Brown | Mr. Giffard  | Mr. Raymond         |
| Mr. A. H. Buell | Mr. Hall     | Mr. Rogers          |
| Mr. T. Buel     | Mr. Hammond  | Mr. Skelton         |
| Mr. Cameron     | Mr. Harden   | Mr. W. Smith        |
| Mr. Crain       | Mr. Hunt     | Mr. Van Valkenburgh |
| Mr. E. Crosby   | Mr. Jones    | Mr. Wilcox          |
| Mr. Culver      | Mr. M'Carthy | Mr. Worden          |
| Mr. Dayton      | Mr. Mather   |                     |

29

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act authorising the president, directors and company of the western branch of the Schoharie Turnpike Company to remove the toll-gate on their road in the town of Cobleskill," was read the third time.

Debates were had thereon ; when

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the negative ; less than two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 81 | } |
| { | NAYS   | 18 | } |
| { | ABSENT | 29 | } |

Those who voted in the affirmative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. G. Goold     | Mr. Pierce          |
| Mr. Bagg        | Mr. Hannum       | Mr. Porter          |
| Mr. Barber      | Mr. Harris       | Mr. Rice            |
| Mr. Betts       | Mr. Heermans     | Mr. Ross            |
| Mr. Bevens      | Mr. Hervey       | Mr. Sager           |
| Mr. Billings    | Mr. Hine         | Mr. Salisbury       |
| Mr. Bloss       | Mr. Horton       | Mr. Sears           |
| Mr. Bowen       | Mr. Huntington   | Mr. Sherman         |
| Mr. L. H. Brown | Mr. Jarvis       | Mr. Skelton         |
| Mr. A. H. Buell | Mr. Knapp        | Mr. A. C. Smith     |
| Mr. Bunker      | Mr. D. Lee       | Mr. Speaker         |
| Mr. Burdick     | Mr. T. R. Lee    | Mr. Spring          |
| Mr. Bush        | Mr. Litchfield   | Mr. J. Stevenson    |
| Mr. Carpenter   | Mr. Long         | Mr. R. L. Stevenson |
| Mr. Casner      | Mr. M'Donald     | Mr. Strobbridge     |
| Mr. Chase       | Mr. M'Key        | Mr. Sweeney         |
| Mr. Coe         | Mr. M'Vean       | Mr. Thompson        |
| Mr. Collins     | Mr. Mann         | Mr. Tuthill         |
| Mr. Constant    | Mr. Mather       | Mr. Van Schoonhoven |
| Mr. Crain       | Mr. Mersereau    | Mr. Walrath         |
| Mr. Danforth    | Mr. C. B. Miller | Mr. Wells           |
| Mr. De Puy      | Mr. S. Miller    | Mr. Wheeler         |
| Mr. Fellows     | Mr. Morrison     | Mr. White           |
| Mr. Field       | Mr. Newkirk      | Mr. Wilcox          |
| Mr. Fonda       | Mr. Niven        | Mr. Wynant          |
| Mr. Frisbee     | Mr. Oakley       | Mr. A. W. Young     |
| Mr. Garretson   | Mr. Pardee       | Mr. J. Young        |

81

Those who voted in the negative are

|              |              |             |
|--------------|--------------|-------------|
| Mr. Bailey   | Mr. Hazelton | Mr. Searing |
| Mr. Boughton | Mr. Howard   | Mr. Tefft   |



|               |             |             |    |
|---------------|-------------|-------------|----|
| Mr. J. Brooks | Mr. Johnson | Mr. Thayer  |    |
| Mr. Comstock  | Mr. Kinne   | Mr. Titus   |    |
| Mr. Dickson   | Mr. Preston | Mr. Whitney |    |
| Mr. D. Gould  | Mr. Russell | Mr. Wyckoff | 18 |

And those who were absent are

|                  |             |                     |    |
|------------------|-------------|---------------------|----|
| Mr. Blake        | Mr. Dewey   | Mr. M'Carthy        |    |
| Mr. M. Brooks    | Mr. Edwards | Mr. Morris          |    |
| Mr. Brower       | Mr. Fenn    | Mr. Moulton         |    |
| Mr. S. A. Brown  | Mr. Giffard | Mr. Raymond         |    |
| Mr. T. Buel      | Mr. Gregory | Mr. Rogers          |    |
| Mr. Cameron      | Mr. Hall    | Mr. W. Smith        |    |
| Mr. C. F. Crosby | Mr. Hammond | Mr. Tibbits         |    |
| Mr. E. Crosby    | Mr. Harden  | Mr. Van Valkenburgh |    |
| Mr. Culver       | Mr. Hunt    | Mr. Worden          |    |
| Mr. Dayton       | Mr. Jones   |                     | 29 |

Mr. Bailey moved that the House reconsider the vote on the final passage of the said bill.

*Ordered*, That the said motion be laid on the table.

The engrossed bill entitled "An act for the relief of Isaac I. Yates," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 78 | } |
| { | NAYS   | 13 | } |
| { | ABSENT | 37 | } |

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                  |                |                  |
|------------------|----------------|------------------|
| Mr. Bachman      | Mr. Harris     | Mr. Rice         |
| Mr. Bagg         | Mr. Heermans   | Mr. Ross         |
| Mr. Barber       | Mr. Hervey     | Mr. Russell      |
| Mr. Betts        | Mr. Hine       | Mr. Sager        |
| Mr. Bevens       | Mr. Horton     | Mr. Searing      |
| Mr. Billings     | Mr. Huntington | Mr. Sears        |
| Mr. Bloss        | Mr. Jarvis     | Mr. Sherman      |
| Mr. Bowen        | Mr. Johnson    | Mr. Skelton      |
| Mr. J. Brooks    | Mr. Kinne      | Mr. A. C. Smith  |
| Mr. Burdick      | Mr. Knapp      | Mr. Speaker      |
| Mr. Bush         | Mr. D. Lee     | Mr. Spring       |
| Mr. Carpenter    | Mr. T. R. Lee  | Mr. J. Stevenson |
| Mr. Casner       | Mr. Litchfield | Mr. Strobidge    |
| Mr. Coe          | Mr. Long       | Mr. Sweeney      |
| Mr. Collins      | Mr. M'Donald   | Mr. Thayer       |
| Mr. Comstock     | Mr. M'Key      | Mr. Thompson     |
| Mr. C. F. Crosby | Mr. M'Vean     | Mr. Tibbits      |

|               |                  |                     |
|---------------|------------------|---------------------|
| Mr. Dickson   | Mr. Mann         | Mr. Van Schoonhoven |
| Mr. Fellows   | Mr. Mersereau    | Mr. Walrath         |
| Mr. Field     | Mr. C. B. Miller | Mr. Wells           |
| Mr. Fonda     | Mr. S. Miller    | Mr. Wheeler         |
| Mr. Frisbee   | Mr. Morrison     | Mr. White           |
| Mr. Garretson | Mr. Newkirk      | Mr. Wilcox          |
| Mr. D. Gould  | Mr. Oakley       | Mr. Wyckoff         |
| Mr. G. Goold  | Mr. Pardee       | Mr. Wynant          |
| Mr. Hannum    | Mr. Pierce       | Mr. J. Young        |

78

Those who voted in the negative are

|                 |              |                     |
|-----------------|--------------|---------------------|
| Mr. Bailey      | Mr. Hazelton | Mr. Salisbury       |
| Mr. L. H. Brown | Mr. Howard   | Mr. R. L. Stevenson |
| Mr. Bunker      | Mr. Niven    | Mr. Tefft           |
| Mr. Chase       | Mr. Porter   | Mr. Titus           |
| Mr. Danforth    |              |                     |

13

And those who were absent are

|                 |              |                     |
|-----------------|--------------|---------------------|
| Mr. Blake       | Mr. De Puy   | Mr. Mather          |
| Mr. Boughton    | Mr. Dewey    | Mr. Morris          |
| Mr. M. Brooks   | Mr. Edwards  | Mr. Moulton         |
| Mr. Brower      | Mr. Fenn     | Mr. Preston         |
| Mr. S. A. Brown | Mr. Gifford  | Mr. Raymond         |
| Mr. A. H. Buell | Mr. Gregory  | Mr. Rogers          |
| Mr. T. Buel     | Mr. Hall     | Mr. W. Smith        |
| Mr. Cameron     | Mr. Hammond  | Mr. Tuthill         |
| Mr. Constant    | Mr. Harden   | Mr. Van Valkenburgh |
| Mr. Crain       | Mr. Hunt     | Mr. Whitney         |
| Mr. E. Crosby   | Mr. Jones    | Mr. Worden          |
| Mr. Culver      | Mr. M'Carthy | Mr. A. W. Young     |
| Mr. Dayton      |              |                     |

37

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to provide for the construction of a railroad from Attica to Hornellsville," was read the third time.

By unanimous consent,

Mr. Coe moved to amend the said bill as follows, to wit :

In the fourth section, after "Livingston," insert "Allegany."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Coe, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to the final passage of the said bill, as amended, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 93 | } |
| { | NAYS   | 00 | } |
| { | ABSENT | 35 | } |

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Garretson    | Mr. Pierce          |
| Mr. Bagg         | Mr. D. Gould     | Mr. Porter          |
| Mr. Barber       | Mr. G. Gould     | Mr. Rice            |
| Mr. Betts        | Mr. Gregory      | Mr. Ross            |
| Mr. Bevins       | Mr. Hannum       | Mr. Russell         |
| Mr. Billings     | Mr. Harden       | Mr. Sager           |
| Mr. Bloss        | Mr. Harris       | Mr. Salisbury       |
| Mr. Boughton     | Mr. Hazelton     | Mr. Searing         |
| Mr. Bowen        | Mr. Heermans     | Mr. Sears           |
| Mr. J. Brooks    | Mr. Hervey       | Mr. Sherman         |
| Mr. M. Brooks    | Mr. Hine         | Mr. A. C. Smith     |
| Mr. L. H. Brown  | Mr. Horton       | Mr. Speaker         |
| Mr. A. H. Buell  | Mr. Howard       | Mr. Spring          |
| Mr. Bunker       | Mr. Jarvis       | Mr. J. Stevenson    |
| Mr. Burdick      | Mr. Johnson      | Mr. R. L. Stevenson |
| Mr. Bush         | Mr. Kinne        | Mr. Strobbridge     |
| Mr. Carpenter    | Mr. D. Lee       | Mr. Sweeney         |
| Mr. Casner       | Mr. T. R. Lee    | Mr. Thayer          |
| Mr. Chase        | Mr. Litchfield   | Mr. Thompson        |
| Mr. Coe          | Mr. McDonald     | Mr. Tibbits         |
| Mr. Collins      | Mr. M'Key        | Mr. Tuthill         |
| Mr. Comstock     | Mr. M'Vean       | Mr. Van Schoonhoven |
| Mr. Constant     | Mr. Mann         | Mr. Walrath         |
| Mr. Crain        | Mr. Mersereau    | Mr. Wells           |
| Mr. C. F. Crosby | Mr. C. B. Miller | Mr. White           |
| Mr. Danforth     | Mr. S. Miller    | Mr. Whitney         |
| Mr. Dickson      | Mr. Morrison     | Mr. Wilcox          |
| Mr. Fellows      | Mr. Newkirk      | Mr. Wyckoff         |
| Mr. Field        | Mr. Niven        | Mr. Wynant          |
| Mr. Fonda        | Mr. Oakley       | Mr. A. W. Young     |
| Mr. Frisbee      | Mr. Pardee       | Mr. J. Young        |

93

And those who were absent are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Bailey      | Mr. Fenn       | Mr. Moulton         |
| Mr. Blake       | Mr. Giffard    | Mr. Preston         |
| Mr. Brower      | Mr. Hall       | Mr. Raymond         |
| Mr. S. A. Brown | Mr. Hammond    | Mr. Rogers          |
| Mr. T. Buel     | Mr. Hunt       | Mr. Skelton         |
| Mr. Cameron     | Mr. Huntington | Mr. W. Smith        |
| Mr. E. Crosby   | Mr. Jones      | Mr. Tefft           |
| Mr. Culver      | Mr. Knapp      | Mr. Titus           |
| Mr. Dayton      | Mr. Long       | Mr. Van Valkenburgh |
| Mr. De Puy      | Mr. M'Carthy   | Mr. Wheeler         |
| Mr. Dewey       | Mr. Mather     | Mr. Worden          |
| Mr. Edwards     | Mr. Morris     |                     |

35

*Ordered,* That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to provide for the opening and improving roads through the Onondaga Indian reservation," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill entitled "An act for the relief of Hubbard Burdick," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill entitled "An act to change the names of Stewart Skillman and Sarah Lisenard Skillman," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bills to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act for the relief of Homer Caswell," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 61 | } |
| { | NAYS   | 27 | } |
| { | ABSENT | 40 | } |

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Frisbee      | Mr. Rice            |
| Mr. Bagg         | Mr. G. Goold     | Mr. Ross            |
| Mr. Barber       | Mr. Gregory      | Mr. Sager           |
| Mr. Betts        | Mr. Hannum       | Mr. Sears           |
| Mr. Bevens       | Mr. Harris       | Mr. Sherman         |
| Mr. Billings     | Mr. Heermans     | Mr. A. C. Smith     |
| Mr. Bloss        | Mr. Hervey       | Mr. Speaker         |
| Mr. Bowen        | Mr. Horton       | Mr. Spring          |
| Mr. J. Brooks    | Mr. Huntington   | Mr. J. Stevenson    |
| Mr. A. H. Buell  | Mr. Jarvis       | Mr. Sweeney         |
| Mr. Burdick      | Mr. Johnson      | Mr. Tibbits         |
| Mr. Bush         | Mr. D. Lee       | Mr. Van Schoonhoven |
| Mr. Casner       | Mr. M'Key        | Mr. Walrath         |
| Mr. Coe          | Mr. M'Vean       | Mr. Wells           |
| Mr. Collins      | Mr. Mann         | Mr. White           |
| Mr. Comstock     | Mr. Mersereau    | Mr. Wilcox          |
| Mr. Crain        | Mr. C. B. Miller | Mr. Wyckoff         |
| Mr. C. F. Crosby | Mr. Morrison     | Mr. Wynant          |
| Mr. Fellows      | Mr. Oakley       | Mr. A. W. Young     |
| Mr. Field        | Mr. Pierce       | Mr. J. Young        |
| Mr. Fonda        |                  |                     |

Those who voted in the negative are



|                 |               |                     |
|-----------------|---------------|---------------------|
| Mr. Bailey      | Mr. Howard    | Mr. Salisbury       |
| Mr. L. H. Brown | Mr. Kinne     | Mr. Searing         |
| Mr. Bunker      | Mr. T. R. Lee | Mr. R. L. Stevenson |
| Mr. Carpenter   | Mr. M'Donald  | Mr. Strobridge      |
| Mr. Chase       | Mr. S. Miller | Mr. Tefft           |
| Mr. Dickson     | Mr. Newkirk   | Mr. Thayer          |
| Mr. Harden      | Mr. Niven     | Mr. Thompson        |
| Mr. Hazelton    | Mr. Preston   | Mr. Tuthill         |
| Mr. Hine        | Mr. Russell   | Mr. Whitney         |

27

And those who were absent are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Blake       | Mr. Edwards    | Mr. Mather          |
| Mr. Boughton    | Mr. Fenn       | Mr. Morris          |
| Mr. M. Brooks   | Mr. Garretson  | Mr. Moulton         |
| Mr. Brower      | Mr. Giffard    | Mr. Pardee          |
| Mr. S. A. Brown | Mr. D. Gould   | Mr. Porter          |
| Mr. T. Buel     | Mr. Hall       | Mr. Raymond         |
| Mr. Cameron     | Mr. Hammond    | Mr. Rogers          |
| Mr. Constant    | Mr. Hunt       | Mr. Skelton         |
| Mr. E. Crosby   | Mr. Jones      | Mr. W. Smith        |
| Mr. Culver      | Mr. Knapp      | Mr. Titus           |
| Mr. Danforth    | Mr. Litchfield | Mr. Van Valkenburgh |
| Mr. Dayton      | Mr. Long       | Mr. Wheeler         |
| Mr. De Puy      | Mr. M'Carthy   | Mr. Worden          |
| Mr. Dewey       |                |                     |

40

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to change the name of Edwin Lucian Cady," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill entitled "An act to confirm the official acts of Philip Lazell, a justice of the peace," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill entitled "An act for the relief of Baltis Simmons," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bills to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act for the relief of Marcus Brown," was read the third time.

Debates were had thereon; when

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the negative.

{ AYES 25 }  
 { NAYS 71 }  
 { ABSENT 32 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Barber      | Mr. Hannum     | Mr. Tefft           |
| Mr. Bevens      | Mr. Harris     | Mr. Tibbits         |
| Mr. Boughton    | Mr. Johnson    | Mr. Van Schoonhoven |
| Mr. Bowen       | Mr. Litchfield | Mr. Wells           |
| Mr. M. Brooks   | Mr. M'Key      | Mr. Wilcox          |
| Mr. L. H. Brown | Mr. Morrison   | Mr. Wyckoff         |
| Mr. Casner      | Mr. Ross       | Mr. A. W. Young     |
| Mr. Fonda       | Mr. Sweeney    | Mr. J. Young        |
| Mr. G. Goold    |                |                     |

25

Those who voted in the negative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. D. Gould     | Mr. Preston         |
| Mr. Bagg         | Mr. Gregory      | Mr. Rice            |
| Mr. Bailey       | Mr. Hazelton     | Mr. Russell         |
| Mr. Betts        | Mr. Hervey       | Mr. Sager           |
| Mr. Billings     | Mr. Hine         | Mr. Salisbury       |
| Mr. Bloss        | Mr. Horton       | Mr. Searing         |
| Mr. J. Brooks    | Mr. Howard       | Mr. Sears           |
| Mr. A. H. Buell  | Mr. Jarvis       | Mr. Sherman         |
| Mr. Bunker       | Mr. Kinne        | Mr. Skelton         |
| Mr. Burdick      | Mr. D. Lee       | Mr. A. C. Smith     |
| Mr. Carpenter    | Mr. T. R. Lee    | Mr. Speaker         |
| Mr. Chase        | Mr. M'Donald     | Mr. Spring          |
| Mr. Coe          | Mr. M'Vean       | Mr. J. Stevenson    |
| Mr. Collins      | Mr. Mann         | Mr. R. L. Stevenson |
| Mr. Comstock     | Mr. Mather       | Mr. Strobidge       |
| Mr. Constant     | Mr. Mersereau    | Mr. Thayer          |
| Mr. Crain        | Mr. C. B. Miller | Mr. Thompson        |
| Mr. C. F. Crosby | Mr. S. Miller    | Mr. Titus           |
| Mr. Danforth     | Mr. Newkirk      | Mr. Tuthill         |
| Mr. Dickson      | Mr. Niven        | Mr. Wheeler         |
| Mr. Fellows      | Mr. Oakley       | Mr. White           |
| Mr. Field        | Mr. Pardee       | Mr. Whitney         |
| Mr. Frisbee      | Mr. Pierce       | Mr. Wynant          |
| Mr. Garretson    | Mr. Porter       |                     |

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And those who were absent are

|                 |              |              |
|-----------------|--------------|--------------|
| Mr. Blake       | Mr. Edwards  | Mr. Long     |
| Mr. Brower      | Mr. Fenn     | Mr. M'Carthy |
| Mr. S. A. Brown | Mr. Giffard  | Mr. Morris   |
| Mr. T. Buel     | Mr. Hall     | Mr. Moulton  |
| Mr. Bush        | Mr. Hammond  | Mr. Raymond  |
| Mr. Cameron     | Mr. Harden   | Mr. Rogers   |
| Mr. E. Crosby   | Mr. Heermans | Mr. W. Smith |

Mr. Culver  
Mr. Dayton  
Mr. De Puy  
Mr. Dewey

Mr. Hunt  
Mr. Huntington  
Mr. Jones  
Mr. Knapp

Mr. Van Valkenburgh  
Mr. Walrath  
Mr. Worden

32

A message from the Senate, with the bills therein mentioned, was received and read, requesting the concurrence of the Assembly to the bill entitled "An act creating a public fund or stock in the city of New-York, to be called the Croton Water Stock, and in relation to the sinking fund of said city;" to the bill entitled "An act to authorise Edward H. Brodhead to supply the city of Utica with pure and wholesome water," and to the bill entitled "An act to incorporate the Brooklyn Female Academy."

The said bills were severally read the first time, and by unanimous consent were also read a second time, and the bill entitled "An act creating a public fund or stock in the city of New-York, to be called the Croton Water Stock, and in relation to the sinking fund of said city," was referred to the committee on the internal affairs of towns and counties; the bill entitled "An act to authorise Edward H. Brodhead to supply the city of Utica with pure and wholesome water," on motion of Mr. Comstock, was referred to a select committee, consisting of the members attending this house from the county of Oneida; and the bill entitled "An act to incorporate the Brooklyn Female Academy," on motion of Mr. Russell, was ordered to a third reading.

A message from the Senate, with the bill and amendments therein mentioned, was received and read, informing that the Senate had consented to the appointment of a committee of conference on the amendments to the bill entitled "An act to authorise the common council of the city of Buffalo to borrow money, and for other purposes;" and that Mr. Emmons, Mr. Clark and Mr. Mitchell were of such committee on the part of the Senate.

A message from the Senate, with the bills therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act to amend the charter of the Herkimer Manufacturing and Hydraulic Company;" the bill entitled "An act for the relief of Joseph L. Harris;" the bill entitled "An act to confirm the official acts of Samuel K. Wolcott as a justice of the peace;" the bill entitled "An act to provide a seal for the court of oyer and terminer and general sessions of the peace in and for the city and county of New-York;" the bill entitled "An act to amend an act entitled 'An act to provide for building bridges over Oak-orchard and Marsh creeks, at or near the junction of said creeks in the town of Carlton in the county of Orleans,' passed March 21st, 1844;" and the bill entitled "An act for the relief of the religious incorporation or society, known as the Corporation of the Berean Baptist Church in the city of New-York," severally without amendment.

*Ordered,* That the Clerk deliver the said bills to the Governor.

The hour of half past one o'clock having arrived,

The House took a recess until half past three o'clock this afternoon.

# HALF PAST THREE O'CLOCK P. M.

The House again met.

The engrossed bill entitled "An act for the safe keeping, and to provide a time for the distribution of the gospel and school fund monies in the several towns in the county of Onondaga," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act for the promotion of agricultural science;" the bill entitled "An act to provide for the appointment of a police justice in the village of Saratoga-Springs;" the bill entitled "An act in relation to the terms of the court of common pleas and general sessions of the county of Allegany," and the bill entitled "An act to aid the College of Physicians and Surgeons in the city of New-York," and found the same severally correctly engrossed.

*Ordered*, That the said bills do have their third reading.

A message from the Senate, with the bill therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act to drain the Bashaskill swamp," with the amendments therewith delivered.

The said amendments having been read,

Mr. Chase moved that the House concur in the same.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Chase, and it was determined in the affirmative.

*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred with them in the said amendments, and amended the bill accordingly.

A message from the Senate, with the bill therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act for the preservation of fish in the Nine-mile creek," with the amendments therewith delivered.

The said amendments having been read,

Mr. Chase moved that the House concur in the same.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Chase, and it was determined in the affirmative.

*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred in the said amendments, and amended the bill accordingly.

A message from the Senate, with the bill therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act to authorise and require the Canal Commissioners to take charge of the sidecut canals in the village of Liverpool," with the amendments therewith delivered.

The said amendments having been read,

Mr. Bevins moved that the House concur in the same.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Bevins, and it was determined in the affirmative.



*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred in the said amendments, and amended the bill accordingly.

A message from the Senate, with the bill therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act in relation to the appointment of superintendents of the poor in the county of Westchester, and for other purposes," with the amendments therewith delivered.

The said amendments having been read,

Mr. T. R. Lee moved that the House concur in the same.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. T. R. Lee, and it was determined in the affirmative.

*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred in the said amendments, and amended the bill accordingly.

The engrossed bill entitled "An act for the relief of John Whitehead," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill entitled "An act for the relief of Anthony S. Badgley and Andrew Bigham," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill entitled "An act authorising Simeon Westfall to establish and continue a ferry across the Delaware river," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bills to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to change the name of the Bethel Baptist Church in Williamsburgh," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |
|---|--------|----|
| { | AYES   | 96 |
| { | NAYS   | 00 |
| { | ABSENT | 32 |

Those who voted in the affirmative are

|              |              |                 |
|--------------|--------------|-----------------|
| Mr. Bachman  | Mr. G. Goold | Mr. Preston     |
| Mr. Bagg     | Mr. Gregory  | Mr. Rice        |
| Mr. Bailey   | Mr. Hannum   | Mr. Ross        |
| Mr. Barber   | Mr. Harden   | Mr. Sager       |
| Mr. Betts    | Mr. Hazelton | Mr. Salisbury   |
| Mr. Bevens   | Mr. Heermans | Mr. Searing     |
| Mr. Billings | Mr. Hervey   | Mr. Sears       |
| Mr. Bloss    | Mr. Hine     | Mr. Sherman     |
| Mr. Boughton | Mr. Horton   | Mr. Skelton     |
| Mr. Bowen    | Mr. Howard   | Mr. A. C. Smith |

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. J. Brooks    | Mr. Huntington   | Mr. Speaker         |
| Mr. M. Brooks    | Mr. Jarvis       | Mr. Spring          |
| Mr. L. H. Brown  | Mr. Johnson      | Mr. J. Stevenson    |
| Mr. A. H. Buell  | Mr. Kinne        | Mr. R. L. Stevenson |
| Mr. Bunker       | Mr. Knapp        | Mr. Strobridge      |
| Mr. Burdick      | Mr. D. Lee       | Mr. Tefft           |
| Mr. Carpenter    | Mr. T. R. Lee    | Mr. Thayer          |
| Mr. Chase        | Mr. Litchfield   | Mr. Thompson        |
| Mr. Coe          | Mr. M'Donald     | Mr. Tibbits         |
| Mr. Comstock     | Mr. M'Key        | Mr. Titus           |
| Mr. Constant     | Mr. M'Vean       | Mr. Tuthill         |
| Mr. Crain        | Mr. Mann         | Mr. Van Schoonhoven |
| Mr. C. F. Crosby | Mr. Mather       | Mr. Walrath         |
| Mr. Danforth     | Mr. Mersereau    | Mr. Wells           |
| Mr. Dickson      | Mr. C. B. Miller | Mr. Wheeler         |
| Mr. Edwards      | Mr. S. Miller    | Mr. White           |
| Mr. Fellows      | Mr. Morris       | Mr. Whitney         |
| Mr. Field        | Mr. Newkirk      | Mr. Wilcox          |
| Mr. Fonda        | Mr. Niven        | Mr. Wyckoff         |
| Mr. Frisbee      | Mr. Oakley       | Mr. Wynant          |
| Mr. Garretson    | Mr. Pierce       | Mr. A. W. Young     |
| Mr. D. Gould     | Mr. Porter       | Mr. J. Young        |

96

And those who were absent are

|                 |              |                     |
|-----------------|--------------|---------------------|
| Mr. Blake       | Mr. De Puy   | Mr. Morrison        |
| Mr. Brower      | Mr. Dewey    | Mr. Moulton         |
| Mr. S. A. Brown | Mr. Fenn     | Mr. Pardee          |
| Mr. T. Buel     | Mr. Giffard  | Mr. Raymond         |
| Mr. Bush        | Mr. Hall     | Mr. Rogers          |
| Mr. Cameron     | Mr. Hammond  | Mr. Russell         |
| Mr. Casner      | Mr. Harris   | Mr. W. Smith        |
| Mr. Collins     | Mr. Hunt     | Mr. Sweeney         |
| Mr. E. Crosby   | Mr. Jones    | Mr. Van Valkenburgh |
| Mr. Culver      | Mr. Long     | Mr. Worden          |
| Mr. Dayton      | Mr. M'Carthy |                     |

32

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to incorporate the Domestic and Foreign Missionary Society of the Protestant Episcopal Church of the United States of America," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 92 | } |
| { | NAYS   | 00 | } |
| { | ABSENT | 36 | } |

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Gregory      | Mr. Preston         |
| Mr. Bagg         | Mr. Hannum       | Mr. Ross            |
| Mr. Bailey       | Mr. Harden       | Mr. Sager           |
| Mr. Barber       | Mr. Hazelton     | Mr. Salisbury       |
| Mr. Betts        | Mr. Heermans     | Mr. Searing         |
| Mr. Bevens       | Mr. Hervey       | Mr. Sears           |
| Mr. Billings     | Mr. Hine         | Mr. Sherman         |
| Mr. Boughton     | Mr. Horton       | Mr. Skelton         |
| Mr. Bowen        | Mr. Howard       | Mr. A. C. Smith     |
| Mr. J. Brooks    | Mr. Huntington   | Mr. Speaker         |
| Mr. M. Brooks    | Mr. Jarvis       | Mr. Spring          |
| Mr. L. H. Brown  | Mr. Johnson      | Mr. J. Stevenson    |
| Mr. Bunker       | Mr. Kinne        | Mr. R. L. Stevenson |
| Mr. Carpenter    | Mr. Knapp        | Mr. Strobidge       |
| Mr. Chase        | Mr. D. Lee       | Mr. Tefft           |
| Mr. Casner       | Mr. T. R. Lee    | Mr. Thayer          |
| Mr. Coe          | Mr. Litchfield   | Mr. Thompson        |
| Mr. Comstock     | Mr. M'Donald     | Mr. Tibbits         |
| Mr. Constant     | Mr. M'Key        | Mr. Titus           |
| Mr. Crain        | Mr. M'Vean       | Mr. Tuthill         |
| Mr. C. F. Crosby | Mr. Mann         | Mr. Van Schoonhoven |
| Mr. Danforth     | Mr. Mather       | Mr. Walrath         |
| Mr. Dickson      | Mr. Mersereau    | Mr. Wells           |
| Mr. Edwards      | Mr. C. B. Miller | Mr. White           |
| Mr. Fellows      | Mr. S. Miller    | Mr. Whitney         |
| Mr. Field        | Mr. Morris       | Mr. Wilcox          |
| Mr. Fonda        | Mr. Newkirk      | Mr. Wyckoff         |
| Mr. Frisbee      | Mr. Niven        | Mr. Wynant          |
| Mr. Garretson    | Mr. Oakley       | Mr. A. W. Young     |
| Mr. D. Gould     | Mr. Pierce       | Mr. J. Young        |
| Mr. G. Goold     | Mr. Porter       |                     |

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And those who were absent are

|                 |              |                     |
|-----------------|--------------|---------------------|
| Mr. Blake       | Mr. Dayton   | Mr. Morrison        |
| Mr. Bloss       | Mr. De Puy   | Mr. Moulton         |
| Mr. Brower      | Mr. Dewey    | Mr. Pardee          |
| Mr. S. A. Brown | Mr. Fenn     | Mr. Raymond         |
| Mr. A. H. Buell | Mr. Gifford  | Mr. Rice            |
| Mr. T. Buel     | Mr. Hall     | Mr. Rogers          |
| Mr. Burdick     | Mr. Hammond  | Mr. Russell         |
| Mr. Bush        | Mr. Harris   | Mr. W. Smith        |
| Mr. Cameron     | Mr. Hunt     | Mr. Sweeney         |
| Mr. Collins     | Mr. Jones    | Mr. Van Valkenburgh |
| Mr. E. Crosby   | Mr. Long     | Mr. Wheeler         |
| Mr. Culver      | Mr. M'Carthy | Mr. Worden          |

36

*Ordered,* That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to incorporate the Cherrycreek Union Cemetery Society," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |
|---|--------|----|
| { | AYES   | 94 |
| { | NAYS   | 00 |
| { | ABSENT | 34 |

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Gregory      | Mr. Rice            |
| Mr. Bagg         | Mr. Hannum       | Mr. Ross            |
| Mr. Bailey       | Mr. Harden       | Mr. Sager           |
| Mr. Barber       | Mr. Hazelton     | Mr. Salisbury       |
| Mr. Betts        | Mr. Heermans     | Mr. Searing         |
| Mr. Bevens       | Mr. Hervey       | Mr. Sears           |
| Mr. Billings     | Mr. Hine         | Mr. Sherman         |
| Mr. Boughton     | Mr. Horton       | Mr. Skelton         |
| Mr. Bowen        | Mr. Howard       | Mr. A. C. Smith     |
| Mr. J. Brooks    | Mr. Huntington   | Mr. Spring          |
| Mr. M. Brooks    | Mr. Jarvis       | Mr. J. Stevenson    |
| Mr. L. H. Brown  | Mr. Johnson      | Mr. R. L. Stevenson |
| Mr. Bunker       | Mr. Kinne        | Mr. Strobbridge     |
| Mr. Carpenter    | Mr. Knapp        | Mr. Sweeney         |
| Mr. Casner       | Mr. D. Lee       | Mr. Tefft           |
| Mr. Chase        | Mr. T. R. Lee    | Mr. Thayer          |
| Mr. Coe          | Mr. Litchfield   | Mr. Thompson        |
| Mr. Collins      | Mr. M'Donald     | Mr. Tibbits         |
| Mr. Comstock     | Mr. M'Key        | Mr. Titus           |
| Mr. Constant     | Mr. M'Vean       | Mr. Tuthill         |
| Mr. Crain        | Mr. Mather       | Mr. Van Schoonhoven |
| Mr. C. F. Crosby | Mr. Mersereau    | Mr. Walrath         |
| Mr. Danforth     | Mr. C. B. Miller | Mr. Wells           |
| Mr. Dickson      | Mr. S. Miller    | Mr. Wheeler         |
| Mr. Edwards      | Mr. Morris       | Mr. White           |
| Mr. Fellows      | Mr. Newkirk      | Mr. Whitney         |
| Mr. Field        | Mr. Niven        | Mr. Wilcox          |
| Mr. Fonda        | Mr. Oakley       | Mr. Wyckoff         |
| Mr. Frisbee      | Mr. Pierce       | Mr. Wynant          |
| Mr. Garretson    | Mr. Porter       | Mr. A. W. Young     |
| Mr. D. Gould     | Mr. Preston      | Mr. J. Young        |
| Mr. G. Goold     |                  |                     |

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And those who were absent are

|           |            |              |
|-----------|------------|--------------|
| Mr. Blake | Mr. De Puy | Mr. Mann     |
| Mr. Bloss | Mr. Dewey  | Mr. Morrison |



|                 |              |                     |
|-----------------|--------------|---------------------|
| Mr. Brower      | Mr. Fenn     | Mr. Moulton         |
| Mr. S. A. Brown | Mr. Giffard  | Mr. Pardee          |
| Mr. A. H. Buell | Mr. Hall     | Mr. Raymond         |
| Mr. T. Buel     | Mr. Hammond  | Mr. Rogers          |
| Mr. Burdick     | Mr. Harris   | Mr. Russell         |
| Mr. Bush        | Mr. Hunt     | Mr. W. Smith        |
| Mr. Cameron     | Mr. Jones    | Mr. Speaker         |
| Mr. E. Crosby   | Mr. Long     | Mr. Van Valkenburgh |
| Mr. Culver      | Mr. M'Carthy | Mr. Worden          |
| Mr. Dayton      |              |                     |

34

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. Bailey moved that the House proceed to the consideration of the motion made on a previous day, to reconsider the vote on the final passage of the bill requiring the Long Island Railroad Company to fence their road.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Bailey, and it was determined in the affirmative.

Debates were had thereon ; when

Mr. M. Brooks called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Whereupon,

Mr. Speaker put the question whether the House would agree to the motion to reconsider the vote on the final passage of the said bill, and it was determined in the negative.

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 33 | } |
| { | NAYS   | 58 | } |
| { | ABSENT | 37 | } |

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|              |                |                 |
|--------------|----------------|-----------------|
| Mr. Bowen    | Mr. Howard     | Mr. Ross        |
| Mr. Casner   | Mr. Huntington | Mr. Salisbury   |
| Mr. Collins  | Mr. Jarvis     | Mr. Sherman     |
| Mr. Comstock | Mr. Johnson    | Mr. Skelton     |
| Mr. Constant | Mr. D. Lee     | Mr. Spring      |
| Mr. Crain    | Mr. M'Key      | Mr. Sweeney     |
| Mr. Danforth | Mr. M'Vean     | Mr. Thayer      |
| Mr. Edwards  | Mr. Mann       | Mr. Wells       |
| Mr. Field    | Mr. Mersereau  | Mr. Wheeler     |
| Mr. Frisbee  | Mr. Morrison   | Mr. A. W. Young |
| Mr. Horton   | Mr. Oakley     | Mr. J. Young    |

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Those who voted in the negative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. G. Goold     | Mr. Preston         |
| Mr. Bagg        | Mr. Hannum       | Mr. Rice            |
| Mr. Bailey      | Mr. Harden       | Mr. Sager           |
| Mr. Barber      | Mr. Hazelton     | Mr. Searing         |
| Mr. Betts       | Mr. Heermans     | Mr. Sears           |
| Mr. Bevens      | Mr. Hervey       | Mr. A. C. Smith     |
| Mr. Billings    | Mr. Hine         | Mr. J. Stevenson    |
| Mr. Boughton    | Mr. Kinne        | Mr. R. L. Stevenson |
| Mr. J. Brooks   | Mr. Knapp        | Mr. Strobbridge     |
| Mr. M. Brooks   | Mr. T. R. Lee    | Mr. Tefft           |
| Mr. L. H. Brown | Mr. Litchfield   | Mr. Tibbits         |
| Mr. A. H. Buell | Mr. McDonald     | Mr. Titus           |
| Mr. Bunker      | Mr. C. B. Miller | Mr. Tathill         |
| Mr. Burdick     | Mr. S. Miller    | Mr. Walrath         |
| Mr. Carpenter   | Mr. Morris       | Mr. White           |
| Mr. Chase       | Mr. Newkirk      | Mr. Whitney         |
| Mr. Coe         | Mr. Niven        | Mr. Wilcox          |
| Mr. Dickson     | Mr. Pierce       | Mr. Wyckoff         |
| Mr. Fellows     | Mr. Porter       | Mr. Wynant          |
| Mr. Fonda       |                  |                     |

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And those who were absent are

|                  |               |                     |
|------------------|---------------|---------------------|
| Mr. Blake        | Mr. Fenn      | Mr. Mather          |
| Mr. Bloss        | Mr. Garretson | Mr. Moulton         |
| Mr. Brower       | Mr. Giffard   | Mr. Pardee          |
| Mr. S. A. Brown  | Mr. D. Gould  | Mr. Raymond         |
| Mr. T. Buel      | Mr. Gregory   | Mr. Rogers          |
| Mr. Bush         | Mr. Hall      | Mr. Russell         |
| Mr. Cameron      | Mr. Hammond   | Mr. W. Smith        |
| Mr. C. F. Crosby | Mr. Harris    | Mr. Speaker         |
| Mr. E. Crosby    | Mr. Hunt      | Mr. Thompson        |
| Mr. Culver       | Mr. Jones     | Mr. Van Schoonhoven |
| Mr. Dayton       | Mr. Long      | Mr. Van Valkenburgh |
| Mr. De Puy       | Mr. M'Carthy  | Mr. Worden          |
| Mr. Dewey        |               |                     |

37

Mr. Oakley, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act for the publication of the session laws in two newspapers in each county in this State," and found the same correctly engrossed.

*Ordered*, That the said bill do have its third reading.

By unanimous consent,

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the bill entitled "An act to extend the jurisdiction of the circuit judge of the first circuit, in hearing non-enumerated motions," with the amendments of the Senate thereto, reported, that the committee had examined the said amendments, and do recommend that the House concur in the same.

The said amendments having been read,

Mr. Speaker put the question whether the House would concur with the Senate in their amendments to the said bill, and it was determined in the affirmative.

*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred with them in the said amendments, and amended the bill accordingly.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act for the better security of mechanics and others erecting buildings and furnishing materials therefor in this State (except such cities and villages as are provided for in two several acts, passed April 29 and May 7, 1844," and found the same correctly engrossed.

*Ordered*, That the said bill do have its third reading.

The engrossed bill entitled "An act relative to the village of Syracuse," was read the third time.

By unanimous consent,

Mr. Russell moved to amend the said bill, by adding thereto the following sections, to wit :

§ 3. The money borrowed under this act, shall be payable in annual instalments of one thousand dollars each, of the principal sum ; the first instalment to be paid one year from the date of the first bond, and the interest on all sums so borrowed shall be payable annually. It shall be the duty of the trustees of said village, in each and every year in which any sum, either principal or interest, of said loan shall become due or payable, to cause the necessary sums to meet such payments, which shall be unpaid from other sources, to be levied and collected upon the taxable inhabitants and property of said village, in the same manner ordinary expenses of said village are levied and collected, and to apply the same in the discharge of the principal and interest of the said money borrowed under this act, as the same shall become due and payable.

§ 4. This act shall not take effect until it shall have been approved by the electors of said village, the trustees of which shall call a special meeting of the inhabitants of said village, by publishing a notice in three or more of the papers printed in said village, ten days previous to the time of meeting, at which it shall be lawful for every person entitled to vote at an annual election in said village, to deposite a ballot, bearing the words "for the market loan," or "against the market loan." The election, reception of votes, and canvassing the same, shall be conducted by the trustees of said village in the same manner that elections for trustees of said village are now conducted, and the result of said election shall be entered upon the records of said village. Whenever a majority of the ballots cast at any such election or special meeting shall bear the inscription of "For the market loan," then said trustees shall have power to make such loan, or any part of it, as they may think proper, for the purposes specified in the preceding sections.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Russell, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree

to the final passage of the said bill, as amended, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 93 | } |
| { | NAYS   | 00 | } |
| { | ABSENT | 35 | } |

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. D. Gould     | Mr. Rice            |
| Mr. Bagg         | Mr. G. Goold     | Mr. Ross            |
| Mr. Bailey       | Mr. Gregory      | Mr. Russell         |
| Mr. Barber       | Mr. Hannum       | Mr. Sager           |
| Mr. Betts        | Mr. Harden       | Mr. Salisbury       |
| Mr. Bevins       | Mr. Hazelton     | Mr. Searing         |
| Mr. Billings     | Mr. Heermans     | Mr. Sears           |
| Mr. Bowen        | Mr. Hervey       | Mr. Sherman         |
| Mr. J. Brooks    | Mr. Hine         | Mr. Skelton         |
| Mr. M. Brooks    | Mr. Horton       | Mr. A. C. Smith     |
| Mr. L. H. Brown  | Mr. Howard       | Mr. Spring          |
| Mr. A. H. Buell  | Mr. Jarvis       | Mr. J. Stevenson    |
| Mr. Bunker       | Mr. Johnson      | Mr. R. L. Stevenson |
| Mr. Burdick      | Mr. Kinne        | Mr. Strobbridge     |
| Mr. Carpenter    | Mr. Knapp        | Mr. Sweeney         |
| Mr. Casner       | Mr. D. Lee       | Mr. Tefft           |
| Mr. Chase        | Mr. Litchfield   | Mr. Thayer          |
| Mr. Coe          | Mr. M'Donald     | Mr. Tibbits         |
| Mr. Collins      | Mr. M'Key        | Mr. Titus           |
| Mr. Comstock     | Mr. M'Vean       | Mr. Tuthill         |
| Mr. Constant     | Mr. Mather       | Mr. Van Schoonhoven |
| Mr. Crain        | Mr. Mersereau    | Mr. Walrath         |
| Mr. C. F. Crosby | Mr. C. B. Miller | Mr. Wells           |
| Mr. Danforth     | Mr. S. Miller    | Mr. Wheeler         |
| Mr. Dickson      | Mr. Morris       | Mr. White           |
| Mr. Edwards      | Mr. Morrison     | Mr. Whitney         |
| Mr. Fellows      | Mr. Newkirk      | Mr. Wilcox          |
| Mr. Field        | Mr. Niven        | Mr. Wyckoff         |
| Mr. Fonda        | Mr. Oakley       | Mr. Wynant          |
| Mr. Frisbee      | Mr. Pierce       | Mr. A. W. Young     |
| Mr. Garretson    | Mr. Porter       | Mr. J. Young        |

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And those who were absent are

|                 |             |             |
|-----------------|-------------|-------------|
| Mr. Blake       | Mr. Dewey   | Mr. Mann    |
| Mr. Bloss       | Mr. Fenn    | Mr. Moulton |
| Mr. Boughton    | Mr. Giffard | Mr. Pardee  |
| Mr. Brower      | Mr. Hall    | Mr. Preston |
| Mr. S. A. Brown | Mr. Hammond | Mr. Raymond |
| Mr. T. Buel     | Mr. Harris  | Mr. Rogers  |



|               |                |                     |
|---------------|----------------|---------------------|
| Mr. Bush      | Mr. Hunt       | Mr. W. Smith        |
| Mr. Cameron   | Mr. Huntington | Mr. Speaker         |
| Mr. E. Crosby | Mr. Jones      | Mr. Thompson        |
| Mr. Culver    | Mr. T. R. Lee  | Mr. Van Valkenburgh |
| Mr. Dayton    | Mr. Long       | Mr. Worden          |
| Mr. De Puy    | Mr. M'Carthy   | 35                  |

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to provide for the appointment of a police justice to reside in the village of Saratoga-Springs," was read the third time.

By unanimous consent,

Mr. Wilcox moved to amend the first section of said bill, by striking out "four," and inserting "two."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Wilcox, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to the final passage of the said bill, as amended, and it was determined in the affirmative.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act for the relief of Sarah Combs, widow of John Combs," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 91 | } |
| { | NAYS   | 00 | } |
| { | ABSENT | 37 | } |

Those who voted in the affirmative are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Bachman     | Mr. D. Gould   | Mr. Preston         |
| Mr. Bagg        | Mr. G. Goold   | Mr. Rice            |
| Mr. Bailey      | Mr. Gregory    | Mr. Ross            |
| Mr. Barber      | Mr. Hannum     | Mr. Sager           |
| Mr. Betts       | Mr. Harden     | Mr. Salisbury       |
| Mr. Bevins      | Mr. Heermans   | Mr. Scaring         |
| Mr. Billings    | Mr. Hervey     | Mr. Sears           |
| Mr. Bloss       | Mr. Hine       | Mr. Sherman         |
| Mr. Boughton    | Mr. Huntington | Mr. Skelton         |
| Mr. Bowen       | Mr. Jarvis     | Mr. A. C. Smith     |
| Mr. J. Brooks   | Mr. Johnson    | Mr. Spring          |
| Mr. M. Brooks   | Mr. Kinne      | Mr. J. Stevenson    |
| Mr. L. H. Brown | Mr. Knapp      | Mr. R. L. Stevenson |
| Mr. A. H. Buell | Mr. D. Lee     | Mr. Strobbridge     |
| Mr. Bunker      | Mr. T. R. Lee  | Mr. Sweeney         |

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Burdick      | Mr. Litchfield   | Mr. Thayer          |
| Mr. Carpenter    | Mr. M'Donald     | Mr. Thompson        |
| Mr. Casner       | Mr. M'Key        | Mr. Tibbits         |
| Mr. Chase        | Mr. M'Vean       | Mr. Titus           |
| Mr. Coe          | Mr. Mersereau    | Mr. Tuthill         |
| Mr. Collins      | Mr. C. B. Miller | Mr. Van Schoonhoven |
| Mr. Comstock     | Mr. S. Miller    | Mr. Walrath         |
| Mr. C. F. Crosby | Mr. Morris       | Mr. Wells           |
| Mr. Danforth     | Mr. Morrison     | Mr. Wheeler         |
| Mr. Dickson      | Mr. Newkirk      | Mr. White           |
| Mr. Edwards      | Mr. Niven        | Mr. Whitney         |
| Mr. Fellows      | Mr. Oakley       | Mr. Wilcox          |
| Mr. Field        | Mr. Pardee       | Mr. Wyckoff         |
| Mr. Fonda        | Mr. Pierce       | Mr. Wynant          |
| Mr. Frisbee      | Mr. Porter       | Mr. A. W. Young     |
| Mr. Garretson    |                  |                     |

91

And those who were absent are

|                 |              |                     |
|-----------------|--------------|---------------------|
| Mr. Blake       | Mr. Fenn     | Mr. Mann            |
| Mr. Brower      | Mr. Giffard  | Mr. Mather          |
| Mr. S. A. Brown | Mr. Hall     | Mr. Moulton         |
| Mr. T. Buel     | Mr. Hammond  | Mr. Raymond         |
| Mr. Bush        | Mr. Harris   | Mr. Rogers          |
| Mr. Cameron     | Mr. Hazelton | Mr. Russell         |
| Mr. Constant    | Mr. Horton   | Mr. W. Smith        |
| Mr. Crain       | Mr. Howard   | Mr. Speaker         |
| Mr. E. Crosby   | Mr. Hunt     | Mr. Tefft           |
| Mr. Culver      | Mr. Jones    | Mr. Van Valkenburgh |
| Mr. Dayton      | Mr. Long     | Mr. Worden          |
| Mr. De Puy      | Mr. M'Carthy | Mr. J. Young        |
| Mr. Dewey       |              |                     |

37

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to incorporate the Rochester and Warwarsing Road Company," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 91 | } |
| { | NAYS   | 00 | } |
| { | ABSENT | 37 | } |

Those who voted in the affirmative are

|             |              |            |
|-------------|--------------|------------|
| Mr. Bachman | Mr. G. Goold | Mr. Pierce |
| Mr. Bagg    | Mr. Gregory  | Mr. Porter |

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bailey       | Mr. Hannum       | Mr. Preston         |
| Mr. Barber       | Mr. Harden       | Mr. Rice            |
| Mr. Betts        | Mr. Harris       | Mr. Ross            |
| Mr. Bevens       | Mr. Hazelton     | Mr. Sager           |
| Mr. Billings     | Mr. Heermans     | Mr. Salisbury       |
| Mr. Bloss        | Mr. Hervey       | Mr. Sears           |
| Mr. Boughton     | Mr. Hine         | Mr. Sherman         |
| Mr. Bowen        | Mr. Horton       | Mr. Skelton         |
| Mr. J. Brooks    | Mr. Huntington   | Mr. A. C. Smith     |
| Mr. M. Brooks    | Mr. Jarvis       | Mr. Spring          |
| Mr. L. H. Brown  | Mr. Johnson      | Mr. J. Stevenson    |
| Mr. Bunker       | Mr. Knapp        | Mr. R. L. Stevenson |
| Mr. Burdick      | Mr. T. R. Lee    | Mr. Strobbridge     |
| Mr. Carpenter    | Mr. Litchfield   | Mr. Sweeney         |
| Mr. Casner       | Mr. M'Donald     | Mr. Tefft           |
| Mr. Chase        | Mr. M'Key        | Mr. Thayer          |
| Mr. Coe          | Mr. M'Vean       | Mr. Thompson        |
| Mr. Collins      | Mr. Mann         | Mr. Titus           |
| Mr. Comstock     | Mr. Mather       | Mr. Tuthill         |
| Mr. C. F. Crosby | Mr. Mersereau    | Mr. Van Schoonhoven |
| Mr. Danforth     | Mr. C. B. Miller | Mr. Walrath         |
| Mr. Dickson      | Mr. S. Miller    | Mr. Wells           |
| Mr. Edwards      | Mr. Morris       | Mr. White           |
| Mr. Fellows      | Mr. Morrison     | Mr. Whitney         |
| Mr. Field        | Mr. Newkirk      | Mr. Wilcox          |
| Mr. Fonda        | Mr. Niven        | Mr. Wyckoff         |
| Mr. Frisbee      | Mr. Oakley       | Mr. Wynant          |
| Mr. Garretson    | Mr. Pardee       | Mr. A. W. Young     |
| Mr. D. Gould     |                  |                     |

91

And those who were absent are

|                 |              |                     |
|-----------------|--------------|---------------------|
| Mr. Blake       | Mr. Dewey    | Mr. Moulton         |
| Mr. Brower      | Mr. Fenn     | Mr. Raymond         |
| Mr. S. A. Brown | Mr. Gifford  | Mr. Rogers          |
| Mr. A. H. Buell | Mr. Hall     | Mr. Russell         |
| Mr. T. Buel     | Mr. Hammond  | Mr. Searing         |
| Mr. Bush        | Mr. Howard   | Mr. W. Smith        |
| Mr. Cameron     | Mr. Hunt     | Mr. Speaker         |
| Mr. Constant    | Mr. Jones    | Mr. Tibbits         |
| Mr. Crain       | Mr. Kinne    | Mr. Van Valkenburgh |
| Mr. E. Crosby   | Mr. D. Lee   | Mr. Wheeler         |
| Mr. Culver      | Mr. Long     | Mr. Worden          |
| Mr. Dayton      | Mr. M'Carthy | Mr. J. Young        |
| Mr. De Puy      |              |                     |

37

*Ordered,* That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to amend an act entitled 'An act to incorporate the village of Lockport,' passed March 26th, 1829," was read the third time.

By unanimous consent,

Mr. Bowen moved to amend the said bill as follows, to wit :

After the word "commissioners," in the fifth line of the fourth section, insert "and shall appoint the overseers of highways."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Bowen, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to the final passage of the said bill, as amended, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 92 | } |
| { | NAYS   | 00 | } |
| { | ABSENT | 36 | } |

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. G. Goold     | Mr. Porter          |
| Mr. Bagg         | Mr. Gregory      | Mr. Preston         |
| Mr. Bailey       | Mr. Hannum       | Mr. Rice            |
| Mr. Barber       | Mr. Harden       | Mr. Ross            |
| Mr. Betts        | Mr. Harris       | Mr. Sager           |
| Mr. Bevins       | Mr. Hazelton     | Mr. Salisbury       |
| Mr. Bloss        | Mr. Heermans     | Mr. Searing         |
| Mr. Boughton     | Mr. Hervey       | Mr. Sears           |
| Mr. Bowen        | Mr. Hine         | Mr. Sherman         |
| Mr. J. Brooks    | Mr. Horton       | Mr. Skelton         |
| Mr. M. Brooks    | Mr. Huntington   | Mr. A. C. Smith     |
| Mr. L. H. Brown  | Mr. Jarvis       | Mr. Spring          |
| Mr. A. H. Buell  | Mr. Johnson      | Mr. J. Stevenson    |
| Mr. Bunker       | Mr. Kinne        | Mr. R. L. Stevenson |
| Mr. Burdick      | Mr. Knapp        | Mr. Strobridge      |
| Mr. Carpenter    | Mr. T. R. Lee    | Mr. Sweeney         |
| Mr. Casner       | Mr. Litchfield   | Mr. Tefft           |
| Mr. Chase        | Mr. M'Donald     | Mr. Thayer          |
| Mr. Coe          | Mr. M'Key        | Mr. Thompson        |
| Mr. Collins      | Mr. M'Vean       | Mr. Tibbits         |
| Mr. Comstock     | Mr. Mann         | Mr. Titus           |
| Mr. C. F. Crosby | Mr. Mather       | Mr. Tnhill          |
| Mr. Danforth     | Mr. Mersereau    | Mr. Van Schoonhoven |
| Mr. Dickson      | Mr. C. B. Miller | Mr. Walrath         |
| Mr. Edwards      | Mr. S. Miller    | Mr. Wells           |
| Mr. Fellows      | Mr. Morris       | Mr. Wheeler         |
| Mr. Field        | Mr. Newkirk      | Mr. White           |
| Mr. Fonda        | Mr. Niven        | Mr. Wyckoff         |
| Mr. Frisbee      | Mr. Oakley       | Mr. Wynant          |
| Mr. Garretson    | Mr. Pardee       | Mr. A. W. Young     |
| Mr. D. Gould     | Mr. Pierce       |                     |



And those who were absent are

|                 |               |                     |
|-----------------|---------------|---------------------|
| Mr. Billings    | Mr. De Puy    | Mr. Morrison        |
| Mr. Blake       | Mr. Dewey     | Mr. Moulton         |
| Mr. Brower      | Mr. Fenn      | Mr. Raymond         |
| Mr. S. A. Brown | Mr. Giffard   | Mr. Rogers          |
| Mr. T. Buel     | Mr. Hall      | Mr. Russell         |
| Mr. Bush        | Mr. Hammond   | Mr. W. Smith        |
| Mr. Cameron     | Mr. Howard    | Mr. Speaker         |
| Mr. Constant    | Mr. Hunt      | Mr. Van Valkenburgh |
| Mr. Crain       | Mr. Jones     | Mr. Whitney         |
| Mr. E. Crosby   | Mr. D. Lee    | Mr. Wilcox          |
| Mr. Culver      | Mr. Long      | Mr. Worden          |
| Mr. Dayton      | Mr. Mc'Carthy | Mr. J. Young        |

36

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act for the better security of mechanics and others erecting buildings and furnishing materials therefor in this State (except such cities and villages as are provided for in two several acts, passed April 29 and May 7, 1844)," was read the third time.

Mr. T. R. Lee moved that the question on the final passage of the said bill be laid on the table until to-morrow morning.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. T. R. Lee, and it was determined in the affirmative.

The engrossed bill entitled "An act to provide for the opening and clearing a channel for Mud creek, from the State road in Cicero in the county of Onondaga, to its junction with the Oneida river in the town of Clay," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to incorporate the Port Ontario Bridge Company," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 93 | } |
| { | NAYS   | 00 | } |
| { | ABSENT | 35 | } |

Those who voted in the affirmative are

|             |              |             |
|-------------|--------------|-------------|
| Mr. Bachman | Mr. G. Goold | Mr. Pardee  |
| Mr. Bagg    | Mr. Gregory  | Mr. Pierce  |
| Mr. Bailey  | Mr. Hannum   | Mr. Porter  |
| Mr. Barber  | Mr. Harden   | Mr. Preston |

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Betts        | Mr. Harris       | Mr. Rice            |
| Mr. Bevins       | Mr. Hazelton     | Mr. Ross            |
| Mr. Billings     | Mr. Heermans     | Mr. Russell         |
| Mr. Bloss        | Mr. Hervey       | Mr. Sager           |
| Mr. Bowen        | Mr. Horton       | Mr. Salisbury       |
| Mr. J. Brooks    | Mr. Howard       | Mr. Sears           |
| Mr. M. Brooks    | Mr. Huntington   | Mr. Sherman         |
| Mr. L. H. Brown  | Mr. Jarvis       | Mr. Skelton         |
| Mr. A. H. Buell  | Mr. Johnson      | Mr. A. C. Smith     |
| Mr. Bunker       | Mr. Kinne        | Mr. Spring          |
| Mr. Burdick      | Mr. Knapp        | Mr. J. Stevenson    |
| Mr. Carpenter    | Mr. D. Lee       | Mr. R. L. Stevenson |
| Mr. Casner       | Mr. T. R. Lee    | Mr. Strobbridge     |
| Mr. Chase        | Mr. Litchfield   | Mr. Sweeney         |
| Mr. Coe          | Mr. M'Donald     | Mr. Thayer          |
| Mr. Collins      | Mr. M'Key        | Mr. Tibbits         |
| Mr. Comstock     | Mr. M'Vean       | Mr. Titus           |
| Mr. C. F. Crosby | Mr. Mann         | Mr. Tuthill         |
| Mr. Danforth     | Mr. Mather       | Mr. Van Schoonhoven |
| Mr. Dickson      | Mr. Mersereau    | Mr. Walrath         |
| Mr. Edwards      | Mr. C. B. Miller | Mr. Wells           |
| Mr. Fellows      | Mr. S. Miller    | Mr. Wheeler         |
| Mr. Field        | Mr. Morris       | Mr. White           |
| Mr. Fonda        | Mr. Morrison     | Mr. Wilcox          |
| Mr. Frisbee      | Mr. Newkirk      | Mr. Wyckoff         |
| Mr. Garretson    | Mr. Niven        | Mr. Wynant          |
| Mr. D. Gould     | Mr. Oakley       | Mr. A. W. Young 93  |

And those who were absent are

|                 |              |                     |
|-----------------|--------------|---------------------|
| Mr. Blake       | Mr. De Puy   | Mr. Raymond         |
| Mr. Boughton    | Mr. Dewey    | Mr. Rogers          |
| Mr. Brower      | Mr. Fenn     | Mr. Searing         |
| Mr. S. A. Brown | Mr. Giffard  | Mr. W. Smith        |
| Mr. T. Buel     | Mr. Hall     | Mr. Speaker         |
| Mr. Bush        | Mr. Hammond  | Mr. Tefft           |
| Mr. Cameron     | Mr. Hine     | Mr. Thompson        |
| Mr. Constant    | Mr. Hunt     | Mr. Van Valkenburgh |
| Mr. Crain       | Mr. Jones    | Mr. Whitney         |
| Mr. E. Crosby   | Mr. Long     | Mr. Worden          |
| Mr. Culver      | Mr. M'Carthy | Mr. J. Young        |
| Mr. Dayton      | Mr. Moulton  | 35                  |

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to amend an act entitled 'An act to incorporate the Rensselaer Oswego Academy,' passed April 13th, 1826," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 93 | } |
|   | NAYS   | 00 |   |
|   | ABSENT | 35 |   |

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. G. Goold     | Mr. Pardee          |
| Mr. Bagg         | Mr. Gregory      | Mr. Pierce          |
| Mr. Bailey       | Mr. Hannum       | Mr. Porter          |
| Mr. Barber       | Mr. Harden       | Mr. Preston         |
| Mr. Betts        | Mr. Harris       | Mr. Rice            |
| Mr. Bevens       | Mr. Hazelton     | Mr. Ross            |
| Mr. Billings     | Mr. Heermans     | Mr. Russell         |
| Mr. Bloss        | Mr. Hervey       | Mr. Sager           |
| Mr. Bowen        | Mr. Horton       | Mr. Salisbury       |
| Mr. J. Brooks    | Mr. Howard       | Mr. Searing         |
| Mr. M. Brooks    | Mr. Huntington   | Mr. Sears           |
| Mr. L. H. Brown  | Mr. Jarvis       | Mr. Sherman         |
| Mr. Bunker       | Mr. Johnson      | Mr. Skelton         |
| Mr. Burdick      | Mr. Kinne        | Mr. A. C. Smith     |
| Mr. Carpenter    | Mr. Knapp        | Mr. J. Stevenson    |
| Mr. Chase        | Mr. D. Lee       | Mr. R. L. Stevenson |
| Mr. Casner       | Mr. T. R. Lee    | Mr. Strobridge      |
| Mr. Coe          | Mr. Litchfield   | Mr. Sweeney         |
| Mr. Collins      | Mr. M'Donald     | Mr. Tefft           |
| Mr. Comstock     | Mr. M'Key        | Mr. Thayer          |
| Mr. Crain        | Mr. M'Vean       | Mr. Tibbits         |
| Mr. C. F. Crosby | Mr. Mann         | Mr. Titus           |
| Mr. Danforth     | Mr. Mather       | Mr. Tuthill         |
| Mr. Dickson      | Mr. Mersereau    | Mr. Van Schoonhoven |
| Mr. Edwards      | Mr. C. B. Miller | Mr. Walrath         |
| Mr. Fellows      | Mr. S. Miller    | Mr. Wells           |
| Mr. Field        | Mr. Morris       | Mr. Wheeler         |
| Mr. Fonda        | Mr. Morrison     | Mr. White           |
| Mr. Frisbee      | Mr. Newkirk      | Mr. Wyckoff         |
| Mr. Garietson    | Mr. Niven        | Mr. Wynant          |
| Mr. D. Gould     | Mr. Oakley       | Mr. A. W. Young 93  |

And those who were absent are

|                 |              |                     |
|-----------------|--------------|---------------------|
| Mr. Blake       | Mr. De Puy   | Mr. Raymond         |
| Mr. Boughton    | Mr. Dewey    | Mr. Rogers          |
| Mr. Brower      | Mr. Fenn     | Mr. W. Smith        |
| Mr. S. A. Brown | Mr. Gifford  | Mr. Speaker         |
| Mr. A. H. Buell | Mr. Hall     | Mr. Spring          |
| Mr. T. Buel     | Mr. Hammond  | Mr. Thompson        |
| Mr. Bush        | Mr. Hine     | Mr. Van Valkenburgh |
| Mr. Cameron     | Mr. Hunt     | Mr. Whitney         |
| Mr. Constant    | Mr. Jones    | Mr. Wilcox          |
| Mr. E. Crosby   | Mr. Long     | Mr. Worden          |
| Mr. Culver      | Mr. M'Carthy | Mr. J. Young        |
| Mr. Dayton      | Mr. Moulton  | 35                  |

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to enlarge the act entitled 'An act relative to common schools in the city of Brooklyn,' passed March 23d, 1843," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill entitled "An act to provide for the compensation of jurors in the city of New-York," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bills to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to amend the charter of the village of Cazenovia," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 88 | } |
| { | NAYS   | 00 | } |
| { | ABSENT | 40 | } |

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Harden       | Mr. Porter          |
| Mr. Bagg         | Mr. Harris       | Mr. Preston         |
| Mr. Bailey       | Mr. Hazelton     | Mr. Ross            |
| Mr. Barber       | Mr. Hervey       | Mr. Russell         |
| Mr. Betts        | Mr. Hine         | Mr. Sager           |
| Mr. Bevins       | Mr. Horton       | Mr. Salisbury       |
| Mr. Billings     | Mr. Howard       | Mr. Searing         |
| Mr. Bloss        | Mr. Huntington   | Mr. Sears           |
| Mr. Bowen        | Mr. Jarvis       | Mr. Skelton         |
| Mr. J. Brooks    | Mr. Johnson      | Mr. A. C. Smith     |
| Mr. M. Brooks    | Mr. Knapp        | Mr. Spring          |
| Mr. L. H. Brown  | Mr. D. Lee       | Mr. J. Stevenson    |
| Mr. A. H. Buell  | Mr. T. R. Lee    | Mr. R. L. Stevenson |
| Mr. Burdick      | Mr. Litchfield   | Mr. Strobbridge     |
| Mr. Casner       | Mr. M'Donald     | Mr. Sweeney         |
| Mr. Chase        | Mr. M'Key        | Mr. Tefft           |
| Mr. Coc          | Mr. M'Vean       | Mr. Thayer          |
| Mr. Collins      | Mr. Mann         | Mr. Thompson        |
| Mr. Comstock     | Mr. Mather       | Mr. Tibbits         |
| Mr. C. F. Crosby | Mr. Mersereau    | Mr. Titus           |
| Mr. Danforth     | Mr. C. B. Miller | Mr. Tuthill         |
| Mr. Edwards      | Mr. S. Miller    | Mr. Van Schoonhoven |
| Mr. Fellows      | Mr. Morris       | Mr. Walrath         |
| Mr. Field        | Mr. Morrison     | Mr. Wells           |
| Mr. Fonda        | Mr. Newkirk      | Mr. Wheeler         |
| Mr. Frisbee      | Mr. Niven        | Mr. White           |



Mr. Garretson  
Mr. D. Gould  
Mr. G. Goold  
Mr. Gregory

Mr. Oakley  
Mr. Pardee  
Mr. Pierce

Mr. Wyckoff  
Mr. Wynant  
Mr. A. W. Young

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And those who were absent are

Mr. Blake  
Mr. Boughton  
Mr. Brower  
Mr. S. A. Brown  
Mr. T. Buel  
Mr. Bunker  
Mr. Bush  
Mr. Cameron  
Mr. Carpenter  
Mr. Constant  
Mr. Crain  
Mr. E. Crosby  
Mr. Culver  
Mr. Dayton

Mr. De Puy  
Mr. Dewey  
Mr. Dickson  
Mr. Fenn  
Mr. Giffard  
Mr. Hall  
Mr. Hammond  
Mr. Hannum  
Mr. Heermans  
Mr. Hunt  
Mr. Jones  
Mr. Kinne  
Mr. Long

Mr. M'Carthy  
Mr. Moulton  
Mr. Raymond  
Mr. Rice  
Mr. Rogers  
Mr. Sherman  
Mr. W. Smith  
Mr. Speaker  
Mr. Van Valkenburgh  
Mr. Whitney  
Mr. Wilcox  
Mr. Worden  
Mr. J. Young

40

*Ordered,* That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. Oakley, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to incorporate the Shamrock Benevolent Association of the city of Troy," and found the same correctly engrossed.

*Ordered,* That the said bill do have its third reading.

Mr. Russell, from the committee of conference on the part of the Assembly, appointed to meet a similar committee on the part of the Senate, on the subject of the amendments to the bill entitled "An act to authorise the common council of the city of Buffalo to borrow money, and for other purposes," which are the subject of disagreement between the two Houses, reported, that the said committees had conferred together upon the said bill and amendments, and agreed upon sundry amendments therewith submitted, and recommend that said amended bill be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to the final passage of the said bill, as amended by the committee of conference, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 89 | } |
| { | NAYS   | 00 | } |
| { | ABSENT | 39 | } |

Those who voted in the affirmative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. Hannum       | Mr. Porter          |
| Mr. Bagg        | Mr. Harden       | Mr. Preston         |
| Mr. Bailey      | Mr. Harris       | Mr. Rice            |
| Mr. Barber      | Mr. Hazelton     | Mr. Ross            |
| Mr. Betts       | Mr. Heermans     | Mr. Russell         |
| Mr. Bevens      | Mr. Hervey       | Mr. Sager           |
| Mr. Billings    | Mr. Hine         | Mr. Salisbury       |
| Mr. Bloss       | Mr. Horton       | Mr. Searing         |
| Mr. Bowen       | Mr. Howard       | Mr. Sherman         |
| Mr. J. Brooks   | Mr. Huntington   | Mr. Skelton         |
| Mr. M. Brooks   | Mr. Jarvis       | Mr. A. C. Smith     |
| Mr. L. H. Brown | Mr. Johnson      | Mr. J. Stevenson    |
| Mr. A. H. Buell | Mr. Knapp        | Mr. R. L. Stevenson |
| Mr. Burdick     | Mr. D. Lee       | Mr. Strobbridge     |
| Mr. Carpenter   | Mr. T. R. Lee    | Mr. Sweeney         |
| Mr. Casner      | Mr. Litchfield   | Mr. Tefft           |
| Mr. Chase       | Mr. M'Donald     | Mr. Thayer          |
| Mr. Coe         | Mr. M'Key        | Mr. Thompson        |
| Mr. Collins     | Mr. M'Vean       | Mr. Tibbits         |
| Mr. Comstock    | Mr. Mann         | Mr. Titus           |
| Mr. Crain       | Mr. Mather       | Mr. Tuthill         |
| Mr. Danforth    | Mr. Mersereau    | Mr. Van Schoonhoven |
| Mr. Edwards     | Mr. C. B. Miller | Mr. Walrath         |
| Mr. Fellows     | Mr. S. Miller    | Mr. Wells           |
| Mr. Field       | Mr. Morris       | Mr. Wheeler         |
| Mr. Frisbee     | Mr. Newkirk      | Mr. White           |
| Mr. Garretson   | Mr. Niven        | Mr. Wyckoff         |
| Mr. D. Gould    | Mr. Oakley       | Mr. Wynant          |
| Mr. G. Gould    | Mr. Pardee       | Mr. A. W. Young     |
| Mr. Gregory     | Mr. Pierce       |                     |

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And those who were absent are

|                  |              |                     |
|------------------|--------------|---------------------|
| Mr. Blake        | Mr. De Puy   | Mr. Morrison        |
| Mr. Boughton     | Mr. Dewey    | Mr. Moulton         |
| Mr. Brower       | Mr. Dickson  | Mr. Raymond         |
| Mr. S. A. Brown  | Mr. Fenn     | Mr. Rogers          |
| Mr. T. Buel      | Mr. Fonda    | Mr. Sears           |
| Mr. Bunker       | Mr. Giffard  | Mr. W. Smith        |
| Mr. Bush         | Mr. Hall     | Mr. Speaker         |
| Mr. Cameron      | Mr. Hammond  | Mr. Spring          |
| Mr. Constant     | Mr. Hunt     | Mr. Van Valkenburgh |
| Mr. C. F. Crosby | Mr. Jones    | Mr. Whitney         |
| Mr. E. Crosby    | Mr. Kinne    | Mr. Wilcox          |
| Mr. Culver       | Mr. Long     | Mr. Worden          |
| Mr. Dayton       | Mr. M'Carthy | Mr. J. Young        |

39

*Ordered,* That the Clerk return the said bill to the Senate, and inform them that the Assembly have agreed to the amendments made to the said bill by the committee of conference, and have amended the bill accordingly.

The bill entitled "An act to authorise and require the Canal Commissioners to take charge of the sidecut canals in the village of Liverpool;" the bill entitled "An act for the preservation of fish in the Nine-mile creek;" the bill entitled "An act to drain the Bashaskill swamp;" and the bill entitled "An act in relation to the appointment of superintendents of the poor in the county of Westchester, and for other purposes," were returned from the Senate.

*Ordered*, That the Clerk deliver the said bills to the Governor.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bill therewith delivered, entitled "An act to incorporate the Buffalo Gaslight Company."

The said bill was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the internal affairs of towns and counties, with instructions to report complete.

A message from the Senate, with the bill therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act to renew and extend an act passed February 23, 1829, incorporating the American Atlantic Steam Navigation Company," with the amendments therewith delivered.

The said amendments having been read,

*Ordered*, That the said bill and amendments be referred to the committee on trade and manufactures.

A message from the Senate, with the bill therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act enlarging the powers of the North American Fire Insurance Company," with the amendments therewith delivered.

The said amendments having been read,

Mr. Speaker put the question whether the House would concur with the Senate in their amendments to the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |
|---|--------|----|
| { | AYES   | 96 |
| { | NAYS   | 00 |
| { | ABSENT | 32 |

Those who voted in the affirmative are

|               |              |               |
|---------------|--------------|---------------|
| Mr. Bachman   | Mr. D. Gould | Mr. Oakley    |
| Mr. Bagg      | Mr. G. Goold | Mr. Pardee    |
| Mr. Bailey    | Mr. Gregory  | Mr. Pierce    |
| Mr. Barber    | Mr. Hannum   | Mr. Porter    |
| Mr. Betts     | Mr. Harden   | Mr. Preston   |
| Mr. Bevens    | Mr. Harris   | Mr. Rice      |
| Mr. Billings  | Mr. Hazelton | Mr. Ross      |
| Mr. Bloss     | Mr. Heermans | Mr. Russell   |
| Mr. Boughton  | Mr. Hervey   | Mr. Sager     |
| Mr. Bowen     | Mr. Hine     | Mr. Salisbury |
| Mr. J. Brooks | Mr. Horton   | Mr. Searing   |
| Mr. M. Brooks | Mr. Howard   | Mr. Sears     |

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. L. H. Brown  | Mr. Huntington   | Mr. Sherman         |
| Mr. A. H. Buell  | Mr. Jarvis       | Mr. Skelton         |
| Mr. Bunker       | Mr. Johnson      | Mr. A. C. Smith     |
| Mr. Burdick      | Mr. Kinne        | Mr. Spring          |
| Mr. Carpenter    | Mr. Knapp        | Mr. J. Stevenson    |
| Mr. Casner       | Mr. D. Lee       | Mr. R. L. Stevenson |
| Mr. Chase        | Mr. T. R. Lee    | Mr. Strobbridge     |
| Mr. Coe          | Mr. Litchfield   | Mr. Sweeney         |
| Mr. Collins      | Mr. M'Donald     | Mr. Tefft           |
| Mr. Comstock     | Mr. M'Key        | Mr. Thayer          |
| Mr. Crain        | Mr. M'Vean       | Mr. Thompson        |
| Mr. C. F. Crosby | Mr. Mann         | Mr. Titus           |
| Mr. Danforth     | Mr. Mather       | Mr. Tuthill         |
| Mr. Dickson      | Mr. Mersereau    | Mr. Van Schoonhoven |
| Mr. Edwards      | Mr. C. B. Miller | Mr. Walrath         |
| Mr. Fellows      | Mr. S. Miller    | Mr. Wells           |
| Mr. Field        | Mr. Morris       | Mr. Wheeler         |
| Mr. Fonda        | Mr. Morrison     | Mr. White           |
| Mr. Frisbee      | Mr. Newkirk      | Mr. Wilcox          |
| Mr. Garretson    | Mr. Niven        | Mr. A. W. Young 96  |

And those who were absent are

|                 |              |                     |
|-----------------|--------------|---------------------|
| Mr. Blake       | Mr. Dewey    | Mr. Rogers          |
| Mr. Brower      | Mr. Fenn     | Mr. W. Smith        |
| Mr. S. A. Brown | Mr. Gifford  | Mr. Speaker         |
| Mr. T. Buel     | Mr. Hall     | Mr. Tibbits         |
| Mr. Bush        | Mr. Hammond  | Mr. Van Valkenburgh |
| Mr. Cameron     | Mr. Hunt     | Mr. Whitney         |
| Mr. Constant    | Mr. Jones    | Mr. Worden          |
| Mr. E. Crosby   | Mr. Long     | Mr. Wyckoff         |
| Mr. Culver      | Mr. M'Carthy | Mr. Wynant          |
| Mr. Dayton      | Mr. Moulton  | Mr. J. Young        |
| Mr. De Puy      | Mr. Raymond  | 32                  |

*Ordered,* That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred in the said amendments, and amended the bill accordingly.

The engrossed bill entitled "An act to authorise the appointment of a supreme court commissioner to reside at Mayville in the county of Chautauque, and for other purposes," was read the third time.

*Resolved,* That the bill do pass.

*Ordered,* That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to incorporate the New-York and Richmond Steam Ferry Company," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :



|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 94 | } |
|   | NAYS   | 00 |   |
|   | ABSENT | 34 |   |

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. D. Gould     | Mr. Oakley          |
| Mr. Bagg         | Mr. G. Goold     | Mr. Pardee          |
| Mr. Bailey       | Mr. Gregory      | Mr. Pierce          |
| Mr. Barber       | Mr. Hannum       | Mr. Porter          |
| Mr. Betts        | Mr. Harden       | Mr. Rice            |
| Mr. Bevens       | Mr. Harris       | Mr. Ross            |
| Mr. Billings     | Mr. Hazelton     | Mr. Russell         |
| Mr. Bloss        | Mr. Heermans     | Mr. Sager           |
| Mr. Boughton     | Mr. Hervey       | Mr. Searing         |
| Mr. Bowen        | Mr. Hine         | Mr. Sears           |
| Mr. J. Brooks    | Mr. Horton       | Mr. Sherman         |
| Mr. M. Brooks    | Mr. Howard       | Mr. Skelton         |
| Mr. L. H. Brown  | Mr. Huntington   | Mr. A. C. Smith     |
| Mr. A. H. Buell  | Mr. Jarvis       | Mr. Spring          |
| Mr. Bunker       | Mr. Johnson      | Mr. R. L. Stevenson |
| Mr. Burdick      | Mr. Kinne        | Mr. Strobridge      |
| Mr. Carpenter    | Mr. Knapp        | Mr. Sweeney         |
| Mr. Casner       | Mr. D. Lee       | Mr. Tefft           |
| Mr. Chase        | Mr. T. R. Lee    | Mr. Thayer          |
| Mr. Coe          | Mr. Litchfield   | Mr. Titus           |
| Mr. Collins      | Mr. M'Donald     | Mr. Tuthill         |
| Mr. Comstock     | Mr. M'Key        | Mr. Van Schoonhoven |
| Mr. Crain        | Mr. M'Vean       | Mr. Walrath         |
| Mr. C. F. Crosby | Mr. Mann         | Mr. Wells           |
| Mr. Danforth     | Mr. Mersereau    | Mr. Wheeler         |
| Mr. Dickson      | Mr. C. B. Miller | Mr. White           |
| Mr. Edwards      | Mr. S. Miller    | Mr. Whitney         |
| Mr. Fellows      | Mr. Morris       | Mr. Wilcox          |
| Mr. Field        | Mr. Morrison     | Mr. Wyckoff         |
| Mr. Fonda        | Mr. Newkirk      | Mr. Wynant          |
| Mr. Frisbee      | Mr. Niven        | Mr. A. W. Young     |
| Mr. Garretson    |                  |                     |

94

And those who were absent are

|                 |              |                     |
|-----------------|--------------|---------------------|
| Mr. Blake       | Mr. Fenn     | Mr. Raymond         |
| Mr. Brower      | Mr. Giffard  | Mr. Rogers          |
| Mr. S. A. Brown | Mr. Hall     | Mr. Salisbury       |
| Mr. T. Buel     | Mr. Hammond  | Mr. W. Smith        |
| Mr. Bush        | Mr. Hunt     | Mr. Speaker         |
| Mr. Cameron     | Mr. Jones    | Mr. J. Stevenson    |
| Mr. Constant    | Mr. Long     | Mr. Thompson        |
| Mr. E. Crosby   | Mr. M'Carthy | Mr. Tibbits         |
| Mr. Culver      | Mr. Mather   | Mr. Van Valkenburgh |

Mr. Dayton  
Mr. De Puy  
Mr. Dewey

Mr. Moulton  
Mr. Preston

Mr. Worden  
Mr. J. Young

34

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

On motion of Mr. C. F. Crosby,  
The House then adjourned to nine o'clock to-morrow morning.

### WEDNESDAY, MAY 7, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Mason.

The minutes of yesterday were read and approved.

Two several petitions of sundry inhabitants of the village of Lansingburgh in the county of Rensselaer, praying for a reduction of the tolls on the Union bridge, were read, and referred to the committee on roads and bridges.

The memorial of the mayor and common council of the city of Brooklyn, praying for an amendment to their charter, was read, and referred to the committee on the incorporation of cities and villages.

By unanimous consent, on motion of Mr. Thompson,

*Resolved*, That the bill from the Senate, entitled "An act to amend an act to incorporate the Consistory of the Reformed Presbyterian Church in the city of New-York," be ordered to a third reading.

Mr. Crain, from the committee on ways and means, to which was referred the petition of the mayor, aldermen and commonalty of the city of New-York, relative to unpaid taxes, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Crain accordingly brought in the said bill, entitled "An act authorising the collection of unpaid taxes;" which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. Crain,

*Ordered*, That the said bill be engrossed for a third reading.

A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
Albany, May 6, 1845. }

TO THE ASSEMBLY.

I have this day approved and signed the bill entitled "An act to authorise J. Horsely Palmer to hold and convey real estate."

SILAS WRIGHT.

Mr. Comstock, from the select committee to which was referred the bill from the Senate, entitled "An act to authorise Edward H. Brodhead to supply the city of Utica with pure and wholesome water," with instructions to report the same complete, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered,* That the said bill do have its third reading.

The engrossed bill entitled "An act to incorporate the Roman Catholic Orphan Asylum Society of the city of Rochester," was read the third time.

By unanimous consent,

Mr. T. R. Lee moved to amend the said bill as follows, to wit :

In the second section, after the words "and hold," strike out "as well by devise or bequest as otherwise."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. T. R. Lee, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to the final passage of the said bill, as amended, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |
|---|--------|----|
| { | AYES   | 93 |
| { | NAYS   | 00 |
| { | ABSENT | 35 |

Those who voted in the affirmative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Bachman      | Mr. Gregory    | Mr. Porter          |
| Mr. Bailey       | Mr. Harden     | Mr. Preston         |
| Mr. Barber       | Mr. Harris     | Mr. Rice            |
| Mr. Betts        | Mr. Hazelton   | Mr. Ross            |
| Mr. Billings     | Mr. Heermans   | Mr. Russell         |
| Mr. Bloss        | Mr. Hervey     | Mr. Sager           |
| Mr. Bowen        | Mr. Hine       | Mr. Salisbury       |
| Mr. J. Brooks    | Mr. Horton     | Mr. Searing         |
| Mr. M. Brooks    | Mr. Howard     | Mr. Sears           |
| Mr. L. H. Brown  | Mr. Hunt       | Mr. Sherman         |
| Mr. A. H. Buell  | Mr. Huntington | Mr. A. C. Smith     |
| Mr. Carpenter    | Mr. Jarvis     | Mr. Speaker         |
| Mr. Casner       | Mr. Johnson    | Mr. Spring          |
| Mr. Chase        | Mr. Kinne      | Mr. J. Stevenson    |
| Mr. Coe          | Mr. Knapp      | Mr. R. L. Stevenson |
| Mr. Collins      | Mr. D. Lee     | Mr. Strobidge       |
| Mr. Comstock     | Mr. T. R. Lee  | Mr. Sweeney         |
| Mr. Constant     | Mr. Litchfield | Mr. Tefft           |
| Mr. Crain        | Mr. M'Donald   | Mr. Thayer          |
| Mr. C. F. Crosby | Mr. M'Key      | Mr. Thompson        |
| Mr. Culver       | Mr. M'Vean     | Mr. Tibbits         |

|              |                  |                     |
|--------------|------------------|---------------------|
| Mr. Danforth | Mr. Mann         | Mr. Van Schoonhoven |
| Mr. Dickson  | Mr. Mather       | Mr. Walrath         |
| Mr. Edwards  | Mr. Mersereau    | Mr. Wells           |
| Mr. Fenn     | Mr. C. B. Miller | Mr. Wheeler         |
| Mr. Field    | Mr. S. Miller    | Mr. White           |
| Mr. Fonda    | Mr. Morris       | Mr. Wilcox          |
| Mr. Frisbee  | Mr. Morrison     | Mr. Wyckoff         |
| Mr. Giffard  | Mr. Newkirk      | Mr. Wynant          |
| Mr. D. Gould | Mr. Oakley       | Mr. A. W. Young     |
| Mr. G. Goold | Mr. Pierce       | Mr. J. Young        |

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And those who were absent are

|                 |               |                     |
|-----------------|---------------|---------------------|
| Mr. Bagg        | Mr. Dayton    | Mr. Niven           |
| Mr. Bevens      | Mr. De Puy    | Mr. Pardee          |
| Mr. Blake       | Mr. Dewey     | Mr. Raymond         |
| Mr. Boughton    | Mr. Fellows   | Mr. Rogers          |
| Mr. Brower      | Mr. Garretson | Mr. Skelton         |
| Mr. S. A. Brown | Mr. Hall      | Mr. W. Smith        |
| Mr. T. Buel     | Mr. Hammond   | Mr. Titus           |
| Mr. Bunker      | Mr. Hannum    | Mr. Tuthill         |
| Mr. Burdick     | Mr. Jones     | Mr. Van Valkenburgh |
| Mr. Bush        | Mr. Long      | Mr. Whitney         |
| Mr. Cameron     | Mr. M'Carthy  | Mr. Worden          |
| Mr. E. Crosby   | Mr. Moulton   |                     |

35

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to amend an act entitled 'An act to incorporate the trustees of the Black River Annual Conference,' passed April 17th, 1841," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 94 | } |
| { | NAYS   | 00 | } |
| { | ABSENT | 34 | } |

Those who voted in the affirmative are

|              |              |               |
|--------------|--------------|---------------|
| Mr. Bachman  | Mr. Giffard  | Mr. Preston   |
| Mr. Bagg     | Mr. D. Gould | Mr. Rice      |
| Mr. Bailey   | Mr. G. Goold | Mr. Ross      |
| Mr. Barber   | Mr. Hannum   | Mr. Russell   |
| Mr. Betts    | Mr. Harden   | Mr. Sager     |
| Mr. Billings | Mr. Harris   | Mr. Salisbury |
| Mr. Bloss    | Mr. Hazelton | Mr. Searing   |
| Mr. Boughton | Mr. Heermans | Mr. Sears     |



|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bowen        | Mr. Hervey       | Mr. Sherman         |
| Mr. J. Brooks    | Mr. Hine         | Mr. A. C. Smith     |
| Mr. M. Brooks    | Mr. Howard       | Mr. Speaker         |
| Mr. L. H. Brown  | Mr. Hunt         | Mr. Spring          |
| Mr. A. H. Buell  | Mr. Huntington   | Mr. J. Stevenson    |
| Mr. Bunker       | Mr. Jarvis       | Mr. R. L. Stevenson |
| Mr. Carpenter    | Mr. Johnson      | Mr. Strobbridge     |
| Mr. Casner       | Mr. Knapp        | Mr. Sweeney         |
| Mr. Chase        | Mr. D. Lee       | Mr. Tefft           |
| Mr. Coe          | Mr. T. R. Lee    | Mr. Thayer          |
| Mr. Collins      | Mr. Litchfield   | Mr. Thompson        |
| Mr. Comstock     | Mr. McDonald     | Mr. Tibbits         |
| Mr. Constant     | Mr. M'Key        | Mr. Van Schoonhoven |
| Mr. Crain        | Mr. M'Vean       | Mr. Walrath         |
| Mr. C. F. Crosby | Mr. Mather       | Mr. Wells           |
| Mr. Culver       | Mr. C. B. Miller | Mr. Wheeler         |
| Mr. Danforth     | Mr. S. Miller    | Mr. White           |
| Mr. Dickson      | Mr. Morris       | Mr. Whitney         |
| Mr. Edwards      | Mr. Morrison     | Mr. Wilcox          |
| Mr. Fenn         | Mr. Newkirk      | Mr. Wyckoff         |
| Mr. Field        | Mr. Niven        | Mr. Wynant          |
| Mr. Fonda        | Mr. Oakley       | Mr. A. W. Young     |
| Mr. Frisbee      | Mr. Pierce       | Mr. J. Young        |
| Mr. Garretson    |                  |                     |

94

And those who were absent are

|                 |               |                     |
|-----------------|---------------|---------------------|
| Mr. Bevens      | Mr. Fellows   | Mr. Moulton         |
| Mr. Blake       | Mr. Gregory   | Mr. Pardee          |
| Mr. Brower      | Mr. Hall      | Mr. Porter          |
| Mr. S. A. Brown | Mr. Hammond   | Mr. Raymond         |
| Mr. T. Buel     | Mr. Horton    | Mr. Rogers          |
| Mr. Burdick     | Mr. Jones     | Mr. Skelton         |
| Mr. Bush        | Mr. Kinne     | Mr. W. Smith        |
| Mr. Cameron     | Mr. Long      | Mr. Titus           |
| Mr. E. Crosby   | Mr. M'Carthy  | Mr. Tnithill        |
| Mr. Dayton      | Mr. Mann      | Mr. Van Valkenburgh |
| Mr. De Puy      | Mr. Mersereau | Mr. Worden          |
| Mr. Dewey       |               |                     |

34

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to incorporate the Union Mutual Life Insurance Company," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |
|---|--------|----|
| { | AYES   | 89 |
|   | NAYS   | 06 |
|   | ABSENT | 33 |

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Hannum       | Mr. Pierce          |
| Mr. Bagg         | Mr. Harden       | Mr. Porter          |
| Mr. Barber       | Mr. Harris       | Mr. Preston         |
| Mr. Betts        | Mr. Hazelton     | Mr. Ross            |
| Mr. Bevens       | Mr. Heermans     | Mr. Salisbury       |
| Mr. Billings     | Mr. Hervey       | Mr. Searing         |
| Mr. Bloss        | Mr. Hine         | Mr. Sears           |
| Mr. Boughton     | Mr. Horton       | Mr. Sherman         |
| Mr. Bowen        | Mr. Howard       | Mr. A. C. Smith     |
| Mr. M. Brooks    | Mr. Hunt         | Mr. Speaker         |
| Mr. L. H. Brown  | Mr. Huntington   | Mr. Spring          |
| Mr. A. H. Buell  | Mr. Jarvis       | Mr. J. Stevenson    |
| Mr. Bunker       | Mr. Johnson      | Mr. R. L. Stevenson |
| Mr. Casner       | Mr. Kinne        | Mr. Strobbridge     |
| Mr. Coe          | Mr. Knapp        | Mr. Sweeney         |
| Mr. Collins      | Mr. D. Lee       | Mr. Tefft           |
| Mr. Comstock     | Mr. Litchfield   | Mr. Thayer          |
| Mr. C. F. Crosby | Mr. M'Donald     | Mr. Thompson        |
| Mr. Culver       | Mr. M'Key        | Mr. Tibbits         |
| Mr. Danforth     | Mr. M'Vean       | Mr. Tuthill         |
| Mr. Dickson      | Mr. Mann         | Mr. Van Schoonhoven |
| Mr. Edwards      | Mr. Mather       | Mr. Walrath         |
| Mr. Fenn         | Mr. Mersereau    | Mr. Wells           |
| Mr. Field        | Mr. C. B. Miller | Mr. Wheeler         |
| Mr. Fonda        | Mr. S. Miller    | Mr. White           |
| Mr. Frisbee      | Mr. Morris       | Mr. Wilcox          |
| Mr. Garretson    | Mr. Morrison     | Mr. Wyckoff         |
| Mr. Gifford      | Mr. Newkirk      | Mr. A. W. Young     |
| Mr. D. Gould     | Mr. Niven        | Mr. J. Young        |
| Mr. Gregory      | Mr. Oakley       |                     |

89

Those who voted in the negative are

|               |               |              |
|---------------|---------------|--------------|
| Mr. Bailey    | Mr. Carpenter | Mr. Constant |
| Mr. J. Brooks | Mr. Chase     | Mr. Whitney  |

6

And those who were absent are

|                 |              |             |
|-----------------|--------------|-------------|
| Mr. Blake       | Mr. Dewey    | Mr. Raymond |
| Mr. Brower      | Mr. Fellows  | Mr. Rice    |
| Mr. S. A. Brown | Mr. G. Goold | Mr. Rogers  |
| Mr. T. Buel     | Mr. Hall     | Mr. Russell |
| Mr. Burdick     | Mr. Hammond  | Mr. Sager   |
| Mr. Bush        | Mr. Jones    | Mr. Skelton |

|               |               |                     |
|---------------|---------------|---------------------|
| Mr. Cameron   | Mr. T. R. Lee | Mr. W. Smith        |
| Mr. Crain     | Mr. Long      | Mr. Titus           |
| Mr. E. Crosby | Mr. M'Carthy  | Mr. Van Valkenburgh |
| Mr. Dayton    | Mr. Moulton   | Mr. Worden          |
| Mr. De Puy    | Mr. Pardee    | Mr. Wynant          |

33

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

A message from the Senate, with the bill and amendments therein mentioned, was received and read, informing that the Senate had concurred in the amendments of the Assembly to the bill entitled "An act relative to the census or enumeration of the inhabitants of the State," and have amended the bill accordingly.

The said amended bill having been examined,

*Ordered*, That the Clerk return the same to the Senate.

The engrossed bill from the Senate, entitled "An act to incorporate the Brooklyn Female Academy," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 97 | } |
| { | NAYS   | 00 | } |
| { | ABSENT | 31 | } |

Those who voted in the affirmative are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Bachman     | Mr. D. Gould   | Mr. Oakley          |
| Mr. Bagg        | Mr. G. Goold   | Mr. Pierce          |
| Mr. Bailey      | Mr. Gregory    | Mr. Porter          |
| Mr. Barber      | Mr. Hannum     | Mr. Preston         |
| Mr. Betts       | Mr. Harden     | Mr. Rice            |
| Mr. Bevins      | Mr. Harris     | Mr. Ross            |
| Mr. Billings    | Mr. Hazelton   | Mr. Russell         |
| Mr. Bloss       | Mr. Heermans   | Mr. Sager           |
| Mr. Boughton    | Mr. Hervey     | Mr. Salisbury       |
| Mr. Bowen       | Mr. Hine       | Mr. Searing         |
| Mr. J. Brooks   | Mr. Horton     | Mr. Sherman         |
| Mr. M. Brooks   | Mr. Howard     | Mr. Skelton         |
| Mr. L. H. Brown | Mr. Hunt       | Mr. A. C. Smith     |
| Mr. A. H. Buell | Mr. Huntington | Mr. Speaker         |
| Mr. Bunker      | Mr. Jarvis     | Mr. Spring          |
| Mr. Carpenter   | Mr. Johnson    | Mr. J. Stevenson    |
| Mr. Casner      | Mr. Kinne      | Mr. R. L. Stevenson |
| Mr. Chase       | Mr. Knapp      | Mr. Strobidge       |
| Mr. Coe         | Mr. D. Lee     | Mr. Sweeney         |
| Mr. Collins     | Mr. T. R. Lee  | Mr. Tefft           |
| Mr. Comstock    | Mr. Litchfield | Mr. Thayer          |
| Mr. Constant    | Mr. M'Donald   | Mr. Tibbits         |

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Crain        | Mr. M'Key        | Mr. Tuthill         |
| Mr. C. F. Crosby | Mr. M'Vean       | Mr. Van Schoonhoven |
| Mr. Culver       | Mr. Mann         | Mr. Wells           |
| Mr. Danforth     | Mr. Mather       | Mr. White           |
| Mr. Dickson      | Mr. Mersereau    | Mr. Whitney         |
| Mr. Edwards      | Mr. C. B. Miller | Mr. Wilcox          |
| Mr. Field        | Mr. S. Miller    | Mr. Wyckoff         |
| Mr. Fonda        | Mr. Morris       | Mr. Wynant          |
| Mr. Frisbee      | Mr. Morrison     | Mr. A. W. Young     |
| Mr. Garretson    | Mr. Niven        | Mr. J. Young        |
| Mr. Giffard      |                  |                     |

97

And those who were absent are

|                 |              |                     |
|-----------------|--------------|---------------------|
| Mr. Blake       | Mr. Fellows  | Mr. Raymond         |
| Mr. Brower      | Mr. Fenn     | Mr. Rogers          |
| Mr. S. A. Brown | Mr. Hall     | Mr. Sears           |
| Mr. T. Buel     | Mr. Hammond  | Mr. W. Smith        |
| Mr. Burdick     | Mr. Jones    | Mr. Thompson        |
| Mr. Bush        | Mr. Long     | Mr. Titus           |
| Mr. Cameron     | Mr. M'Carthy | Mr. Van Valkenburgh |
| Mr. E. Crosby   | Mr. Moulton  | Mr. Walrath         |
| Mr. Dayton      | Mr. Newkirk  | Mr. Wheeler         |
| Mr. De Puy      | Mr. Pardee   | Mr. Worden          |
| Mr. Dewey       |              |                     |

31

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act for the relief of Nelson Wolcott;" the bill entitled "An act amendatory of an act incorporating the Utica and Schenectady Railroad Company;" and the bill entitled "An act for the relief of James D. Sparkman, William Leaycraft and Samuel Cox," and found the same severally correctly engrossed.

*Ordered*, That the said bills do have their third reading.

By unanimous consent, on motion of Mr. Wyckoff,

*Resolved*, That the bill from the Senate, entitled "An act to incorporate the Brooklyn African Tompkins Association," be taken from the general orders, and referred to the committee on charitable and religious societies, with instructions to report the same complete.

The engrossed bill entitled "An act to confirm the official acts of Birdseye Norton, a justice of the peace," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to amend an act entitled 'An act to incorporate the East River Fire Insurance Company of the city of New-York,' and the acts amendatory thereof," was read the third time.

Mr. Speaker put the question whether the House would agree to the



final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 86 | } |
| { | NAYS   | 14 | } |
| { | ABSENT | 28 | } |

Those who voted in the affirmative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Bachman      | Mr. G. Goold   | Mr. Porter          |
| Mr. Bagg         | Mr. Gregory    | Mr. Preston         |
| Mr. Barber       | Mr. Hannum     | Mr. Rice            |
| Mr. Betts        | Mr. Harris     | Mr. Ross            |
| Mr. Bevens       | Mr. Heermans   | Mr. Sager           |
| Mr. Billings     | Mr. Hervey     | Mr. Sears           |
| Mr. Boughton     | Mr. Hine       | Mr. Sherman         |
| Mr. Bowen        | Mr. Horton     | Mr. Skelton         |
| Mr. M. Brooks    | Mr. Howard     | Mr. A. C. Smith     |
| Mr. L. H. Brown  | Mr. Hunt       | Mr. Speaker         |
| Mr. Bunker       | Mr. Huntington | Mr. Spring          |
| Mr. Burdick      | Mr. Jarvis     | Mr. J. Stevenson    |
| Mr. Casner       | Mr. Johnson    | Mr. R. L. Stevenson |
| Mr. Coe          | Mr. Kinne      | Mr. Sweeney         |
| Mr. Collins      | Mr. Knapp      | Mr. Thayer          |
| Mr. Comstock     | Mr. D. Lee     | Mr. Thompson        |
| Mr. Constant     | Mr. Litchfield | Mr. Tibbits         |
| Mr. C. F. Crosby | Mr. M'Donald   | Mr. Tuthill         |
| Mr. Culver       | Mr. M'Vean     | Mr. Van Schoonhoven |
| Mr. Danforth     | Mr. Mann       | Mr. Walrath         |
| Mr. Dickson      | Mr. Mather     | Mr. Wells           |
| Mr. Edwards      | Mr. Mersereau  | Mr. Wheeler         |
| Mr. Fenn         | Mr. S. Miller  | Mr. White           |
| Mr. Field        | Mr. Morris     | Mr. Wilcox          |
| Mr. Fonda        | Mr. Morrison   | Mr. Wyckoff         |
| Mr. Frisbee      | Mr. Newkirk    | Mr. Wynant          |
| Mr. Garretson    | Mr. Oakley     | Mr. A. W. Young     |
| Mr. Giffard      | Mr. Pardee     | Mr. J. Young        |
| Mr. D. Gould     | Mr. Pierce     |                     |

86

Those who voted in the negative are

|               |                  |               |
|---------------|------------------|---------------|
| Mr. Bailey    | Mr. Harden       | Mr. Salisbury |
| Mr. J. Brooks | Mr. Hazelton     | Mr. Searing   |
| Mr. Carpenter | Mr. M'Key        | Mr. Strobidge |
| Mr. Chase     | Mr. C. B. Miller | Mr. Tefft     |
| Mr. Crain     | Mr. Niven        |               |

14

And those who were absent are

|                 |               |                     |
|-----------------|---------------|---------------------|
| Mr. Blake       | Mr. De Puy    | Mr. Moulton         |
| Mr. Bloss       | Mr. Dewey     | Mr. Raymond         |
| Mr. Brower      | Mr. Fellows   | Mr. Rogers          |
| Mr. S. A. Brown | Mr. Hall      | Mr. Russell         |
| Mr. A. H. Buell | Mr. Hammond   | Mr. W. Smith        |
| Mr. T. Buel     | Mr. Jones     | Mr. Titus           |
| Mr. Bush        | Mr. T. R. Lee | Mr. Van Valkenburgh |
| Mr. Cameron     | Mr. Long      | Mr. Whitney         |
| Mr. E. Crosby   | Mr. M'Carthy  | Mr. Worden          |
| Mr. Dayton      |               |                     |

28

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. M. Brooks, in pursuance of previous notice, moved that the fiftieth rule of the house be suspended, to allow a reconsideration of the vote on the final passage of the bill relative to the Bank of Rochester.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. M. Brooks, and it was determined in the affirmative.

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 93 | } |
|   | NAYS   | 05 |   |
|   | ABSENT | 30 |   |

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Bachman      | Mr. G. Goold   | Mr. Porter          |
| Mr. Bagg         | Mr. Gregory    | Mr. Preston         |
| Mr. Barber       | Mr. Hannum     | Mr. Rice            |
| Mr. Betts        | Mr. Harden     | Mr. Ross            |
| Mr. Bevens       | Mr. Harris     | Mr. Sager           |
| Mr. Billings     | Mr. Hazelton   | Mr. Searing         |
| Mr. Boughton     | Mr. Heermans   | Mr. Sears           |
| Mr. Bowen        | Mr. Hervey     | Mr. Sherman         |
| Mr. M. Brooks    | Mr. Hine       | Mr. Skelton         |
| Mr. L. H. Brown  | Mr. Horton     | Mr. A. C. Smith     |
| Mr. A. H. Buell  | Mr. Howard     | Mr. Speaker         |
| Mr. Bunker       | Mr. Hunt       | Mr. Spring          |
| Mr. Burdick      | Mr. Huntington | Mr. J. Stevenson    |
| Mr. Carpenter    | Mr. Jarvis     | Mr. R. L. Stevenson |
| Mr. Casner       | Mr. Johnson    | Mr. Sweeney         |
| Mr. Chase        | Mr. Kinne      | Mr. Thayer          |
| Mr. Coe          | Mr. D. Lee     | Mr. Thompson        |
| Mr. Collins      | Mr. M'Donald   | Mr. Tibbits         |
| Mr. Comstock     | Mr. M'Key      | Mr. Tuthill         |
| Mr. Constant     | Mr. M'Vean     | Mr. Van Schoonhoven |
| Mr. C. F. Crosby | Mr. Mann       | Mr. Walrath         |

|               |                  |                 |
|---------------|------------------|-----------------|
| Mr. Culver    | Mr. Mersereau    | Mr. Wells       |
| Mr. Danforth  | Mr. C. B. Miller | Mr. Wheeler     |
| Mr. Dickson   | Mr. S. Miller    | Mr. White       |
| Mr. Edwards   | Mr. Morris       | Mr. Whitney     |
| Mr. Field     | Mr. Morrison     | Mr. Wilcox      |
| Mr. Fonda     | Mr. Newkirk      | Mr. Worden      |
| Mr. Frisbee   | Mr. Niven        | Mr. Wyckoff     |
| Mr. Garretson | Mr. Oakley       | Mr. Wynant      |
| Mr. Gifford   | Mr. Pardee       | Mr. A. W. Young |
| Mr. D. Gould  | Mr. Pierce       | Mr. J. Young    |

93

Those who voted in the negative are

|               |                |           |
|---------------|----------------|-----------|
| Mr. Bailey    | Mr. Knapp      | Mr. Tefft |
| Mr. J. Brooks | Mr. Strobridge |           |

5

And those who were absent are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Blake       | Mr. De Puy     | Mr. M'Carthy        |
| Mr. Bloss       | Mr. Dewey      | Mr. Mather          |
| Mr. Brower      | Mr. Fellows    | Mr. Moulton         |
| Mr. S. A. Brown | Mr. Fenn       | Mr. Raymond         |
| Mr. T. Buel     | Mr. Hall       | Mr. Rogers          |
| Mr. Bush        | Mr. Hammond    | Mr. Russell         |
| Mr. Cameron     | Mr. Jones      | Mr. Salisbury       |
| Mr. Crain       | Mr. T. R. Lee  | Mr. W. Smith        |
| Mr. E. Crosby   | Mr. Litchfield | Mr. Titus           |
| Mr. Dayton      | Mr. Long       | Mr. Van Valkenburgh |

30

Whereupon,

Mr. Carpenter moved that the House reconsider the vote on the final passage of the bill relative to the Bank of Rochester.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Carpenter, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 94 | } |
| { | NAYS   | 05 | } |
| { | ABSENT | 29 | } |

Those who voted in the affirmative are

|              |              |             |
|--------------|--------------|-------------|
| Mr. Bachman  | Mr. Gregory  | Mr. Porter  |
| Mr. Bagg     | Mr. Hannum   | Mr. Preston |
| Mr. Barber   | Mr. Harden   | Mr. Rice    |
| Mr. Betts    | Mr. Harris   | Mr. Ross    |
| Mr. Bevens   | Mr. Hazelton | Mr. Russell |
| Mr. Billings | Mr. Heermans | Mr. Sager   |
| Mr. Bloss    | Mr. Hervey   | Mr. Searing |

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Boughton     | Mr. Hine         | Mr. Sears           |
| Mr. Bowen        | Mr. Horton       | Mr. Sherman         |
| Mr. M. Brooks    | Mr. Howard       | Mr. Skelton         |
| Mr. L. H. Brown  | Mr. Huntington   | Mr. A. C. Smith     |
| Mr. Bunker       | Mr. Hunt         | Mr. Speaker         |
| Mr. Burdick      | Mr. Jarvis       | Mr. Spring          |
| Mr. Carpenter    | Mr. Johnson      | Mr. J. Stevenson    |
| Mr. Casner       | Mr. Kinne        | Mr. R. L. Stevenson |
| Mr. Chase        | Mr. D. Lee       | Mr. Sweeney         |
| Mr. Coe          | Mr. Litchfield   | Mr. Thayer          |
| Mr. Collins      | Mr. M'Donald     | Mr. Thompson        |
| Mr. Comstock     | Mr. M'Key        | Mr. Tibbits         |
| Mr. Constant     | Mr. M'Vean       | Mr. Tuthill         |
| Mr. C. F. Crosby | Mr. Mann         | Mr. Van Schoonhoven |
| Mr. Culver       | Mr. Mersereau    | Mr. Walrath         |
| Mr. Danforth     | Mr. C. B. Miller | Mr. Wells           |
| Mr. Dickson      | Mr. S. Miller    | Mr. Wheeler         |
| Mr. Edwards      | Mr. Morris       | Mr. White           |
| Mr. Field        | Mr. Morrison     | Mr. Wilcox          |
| Mr. Fonda        | Mr. Newkirk      | Mr. Worden          |
| Mr. Frisbee      | Mr. Niven        | Mr. Wyckoff         |
| Mr. Garretson    | Mr. Oakley       | Mr. Wynant          |
| Mr. Gifford      | Mr. Pardee       | Mr. A. W. Young     |
| Mr. D. Gould     | Mr. Pierce       | Mr. J. Young        |
| Mr. G. Goold     |                  |                     |

94

Those who voted in the negative are

|               |                |             |
|---------------|----------------|-------------|
| Mr. Bailey    | Mr. Fenn       | Mr. Whitney |
| Mr. J. Brooks | Mr. Strobridge |             |

5

And those who were absent are

|                 |               |                     |
|-----------------|---------------|---------------------|
| Mr. Blake       | Mr. De Puy    | Mr. Mather          |
| Mr. Brower      | Mr. Dewey     | Mr. Moulton         |
| Mr. S. A. Brown | Mr. Fellows   | Mr. Raymond         |
| Mr. A. H. Buell | Mr. Hall      | Mr. Rogers          |
| Mr. T. Buel     | Mr. Hammond   | Mr. Salisbury       |
| Mr. Bush        | Mr. Jozes     | Mr. W. Smith        |
| Mr. Cameron     | Mr. Knapp     | Mr. Tefft           |
| Mr. Crain       | Mr. T. R. Lee | Mr. Titus           |
| Mr. E. Crosby   | Mr. Long      | Mr. Van Valkenburgh |
| Mr. Dayton      | Mr. M'Carthy  |                     |

29

Mr. Speaker then put the question whether the House would agree to final passage of the bill entitled "An act to extend for a limited period the charter of the Bank of Rochester," and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :



|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 92 | } |
|   | NAYS   | 07 |   |
|   | ABSENT | 29 |   |

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Hannum       | Mr. Porter          |
| Mr. Bagg         | Mr. Harden       | Mr. Preston         |
| Mr. Barber       | Mr. Harris       | Mr. Rice            |
| Mr. Betts        | Mr. Hazelton     | Mr. Ross            |
| Mr. Billings     | Mr. Heermans     | Mr. Russell         |
| Mr. Bloss        | Mr. Hervey       | Mr. Sager           |
| Mr. Boughton     | Mr. Hine         | Mr. Searing         |
| Mr. Bowen        | Mr. Horton       | Mr. Sears           |
| Mr. M. Brooks    | Mr. Howard       | Mr. Sherman         |
| Mr. L. H. Brown  | Mr. Hunt         | Mr. Skelton         |
| Mr. Bunker       | Mr. Huntington   | Mr. A. C. Smith     |
| Mr. Burdick      | Mr. Jarvis       | Mr. Spring          |
| Mr. Carpenter    | Mr. Johnson      | Mr. J. Stevenson    |
| Mr. Casner       | Mr. Kinne        | Mr. R. L. Stevenson |
| Mr. Coe          | Mr. Knapp        | Mr. Sweeney         |
| Mr. Collins      | Mr. D. Lee       | Mr. Thayer          |
| Mr. Comstock     | Mr. Litchfield   | Mr. Thompson        |
| Mr. Constant     | Mr. M'Donald     | Mr. Tibbitts        |
| Mr. C. F. Crosby | Mr. M'Key        | Mr. Tutbill         |
| Mr. Culver       | Mr. M'Vean       | Mr. Van Schoonhoven |
| Mr. Danforth     | Mr. Mann         | Mr. Walrath         |
| Mr. Dickson      | Mr. Mersereau    | Mr. Wells           |
| Mr. Edwards      | Mr. C. B. Miller | Mr. Wheeler         |
| Mr. Field        | Mr. S. Miller    | Mr. White           |
| Mr. Fonda        | Mr. Morris       | Mr. Wilcox          |
| Mr. Frisbee      | Mr. Morrison     | Mr. Worden          |
| Mr. Garretson    | Mr. Newkirk      | Mr. Wyckoff         |
| Mr. Gifford      | Mr. Niven        | Mr. Wynant          |
| Mr. D. Gould     | Mr. Oakley       | Mr. A. W. Young     |
| Mr. G. Goold     | Mr. Pardee       | Mr. J. Young        |
| Mr. Gregory      | Mr. Pierce       |                     |

92

Those who voted in the negative are

|               |           |                 |
|---------------|-----------|-----------------|
| Mr. Bailey    | Mr. Chase | Mr. Strobbridge |
| Mr. Bevens    | Mr. Fenn  | Mr. Waitney     |
| Mr. J. Brooks |           |                 |

7

And those who were absent are

|                 |             |               |
|-----------------|-------------|---------------|
| Mr. Blake       | Mr. De Puy  | Mr. Moulton   |
| Mr. Brower      | Mr. Dewey   | Mr. Raymond   |
| Mr. S. A. Brown | Mr. Fellows | Mr. Rogers    |
| Mr. A. H. Buell | Mr. Hall    | Mr. Salisbury |

|               |               |                     |
|---------------|---------------|---------------------|
| Mr. T. Buel   | Mr. Hammond   | Mr. W. Smith        |
| Mr. Bush      | Mr. Jones     | Mr. Speaker         |
| Mr. Cameron   | Mr. T. R. Lee | Mr. Tefft           |
| Mr. Crain     | Mr. Long      | Mr. Titus           |
| Mr. E. Crosby | Mr. M'Carthy  | Mr. Van Valkenburgh |
| Mr. Dayton    | Mr. Mather    |                     |

29

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to amend the acts relative to the village of Liverpool," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 92 | } |
| { | NAYS   | 00 | } |
| { | ABSENT | 36 | } |

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. G. Goold     | Mr. Pierce          |
| Mr. Bagg         | Mr. Gregory      | Mr. Porter          |
| Mr. Barber       | Mr. Hannum       | Mr. Preston         |
| Mr. Betts        | Mr. Harden       | Mr. Rice            |
| Mr. Bevins       | Mr. Harris       | Mr. Ross            |
| Mr. Billings     | Mr. Hazelton     | Mr. Sager           |
| Mr. Bloss        | Mr. Heermans     | Mr. Sears           |
| Mr. Boughton     | Mr. Hervey       | Mr. Sherman         |
| Mr. Bowen        | Mr. Hine         | Mr. Skelton         |
| Mr. J. Brooks    | Mr. Howard       | Mr. A. C. Smith     |
| Mr. M. Brooks    | Mr. Hunt         | Mr. Spring          |
| Mr. L. H. Brown  | Mr. Huntington   | Mr. J. Stevenson    |
| Mr. A. H. Buell  | Mr. Jarvis       | Mr. R. L. Stevenson |
| Mr. Bunker       | Mr. Johnson      | Mr. Strobbridge     |
| Mr. Burdick      | Mr. Kinne        | Mr. Sweeney         |
| Mr. Carpenter    | Mr. Knapp        | Mr. Tefft           |
| Mr. Casner       | Mr. D. Lee       | Mr. Thayer          |
| Mr. Chase        | Mr. Litchfield   | Mr. Thompson        |
| Mr. Coe          | Mr. M'Donald     | Mr. Tibbits         |
| Mr. Collins      | Mr. M'Key        | Mr. Tuthill         |
| Mr. Comstock     | Mr. M'Vean       | Mr. Van Schoonhoven |
| Mr. C. F. Crosby | Mr. Mann         | Mr. Wells           |
| Mr. Culver       | Mr. Mather       | Mr. Wheeler         |
| Mr. Danforth     | Mr. Mersereau    | Mr. White           |
| Mr. Edwards      | Mr. C. B. Miller | Mr. Whitney         |
| Mr. Field        | Mr. S. Miller    | Mr. Wilcox          |
| Mr. Fonda        | Mr. Morris       | Mr. Wyckoff         |
| Mr. Frisbee      | Mr. Morrison     | Mr. Wyanant         |

Mr. Garretson  
Mr. Giffard  
Mr. D. Gould

Mr. Newkirk  
Mr. Niven  
Mr. Oakley

Mr. A. W. Young  
Mr. J. Young

92

And those who were absent are

Mr. Bailey  
Mr. Blake  
Mr. Brower  
Mr. S. A. Brown  
Mr. T. Buel  
Mr. Bush  
Mr. Cameron  
Mr. Constant  
Mr. Crain  
Mr. E. Crosby  
Mr. Dayton  
Mr. De Puy

Mr. Dewey  
Mr. Dickson  
Mr. Fellows  
Mr. Fenn  
Mr. Hall  
Mr. Hammond  
Mr. Horton  
Mr. Jones  
Mr. T. R. Lee  
Mr. Long  
Mr. M'Carthy  
Mr. Moulton

Mr. Pardee  
Mr. Raymond  
Mr. Rogers  
Mr. Russell  
Mr. Salisbury  
Mr. Searing  
Mr. W. Smith  
Mr. Speaker  
Mr. Titus  
Mr. Van Valkenburgh  
Mr. Walrath  
Mr. Worden

36

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. Harris moved to suspend the order of business, consisting of the "Third reading of bills."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Harris, and it was determined in the negative.

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 44 | } |
| { | NAYS   | 53 | } |
| { | ABSENT | 31 | } |

The ayes and nays being required by ten members,

Those who voted in the affirmative are

Mr. Bachman  
Mr. Bagg  
Mr. Barber  
Mr. Bevens  
Mr. Billings  
Mr. J. Brooks  
Mr. M. Brooks  
Mr. L. H. Brown  
Mr. Casner  
Mr. Chase  
Mr. Coe  
Mr. Comstock  
Mr. Constant  
Mr. Culver  
Mr. Danforth

Mr. Fonda  
Mr. Garretson  
Mr. D. Gould  
Mr. G. Gould  
Mr. Harris  
Mr. Hazelton  
Mr. Hervey  
Mr. Howard  
Mr. Hunt  
Mr. Huntington  
Mr. Kinne  
Mr. T. R. Lee  
Mr. Litchfield  
Mr. M'Key  
Mr. Morris

Mr. Morrison  
Mr. Newkirk  
Mr. Oakley  
Mr. Preston  
Mr. Sears  
Mr. Sherman  
Mr. A. C. Smith  
Mr. Spring  
Mr. R. L. Stevenson  
Mr. Tuthill  
Mr. Walrath  
Mr. Worden  
Mr. Wynant  
Mr. A. W. Young

44

Those who voted in the negative are

|                  |               |                     |
|------------------|---------------|---------------------|
| Mr. Betts        | Mr. Hine      | Mr. Sager           |
| Mr. Bloss        | Mr. Horton    | Mr. Searing         |
| Mr. Bowen        | Mr. Jarvis    | Mr. Skelton         |
| Mr. Bunker       | Mr. Johnson   | Mr. J. Stevenson    |
| Mr. Burdick      | Mr. Knapp     | Mr. Strobidge       |
| Mr. Carpenter    | Mr. D. Lee    | Mr. Sweeney         |
| Mr. Collins      | Mr. M'Donald  | Mr. Tefft           |
| Mr. C. F. Crosby | Mr. M'Vean    | Mr. Thayer          |
| Mr. Dickson      | Mr. Mann      | Mr. Thompson        |
| Mr. Edwards      | Mr. Mather    | Mr. Tibbits         |
| Mr. Fenn         | Mr. Mersereau | Mr. Van Schoonhoven |
| Mr. Field        | Mr. S. Miller | Mr. Wells           |
| Mr. Frisbee      | Mr. Niven     | Mr. Wheeler         |
| Mr. Gifford      | Mr. Pardee    | Mr. White           |
| Mr. Gregory      | Mr. Pierce    | Mr. Whitney         |
| Mr. Hannum       | Mr. Porter    | Mr. Wilcox          |
| Mr. Harden       | Mr. Rice      | Mr. J. Young        |
| Mr. Heermans     | Mr. Ross      |                     |

53

And those who were absent are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bailey      | Mr. Dayton       | Mr. Moulton         |
| Mr. Blake       | Mr. De Puy       | Mr. Raymond         |
| Mr. Boughton    | Mr. Dewey        | Mr. Rogers          |
| Mr. Brower      | Mr. Fellows      | Mr. Russell         |
| Mr. S. A. Brown | Mr. Hall         | Mr. Salisbury       |
| Mr. A. H. Buell | Mr. Hammond      | Mr. W. Smith        |
| Mr. T. Buel     | Mr. Jones        | Mr. Speaker         |
| Mr. Bush        | Mr. Long         | Mr. Titus           |
| Mr. Cameron     | Mr. M'Carthy     | Mr. Van Valkenburgh |
| Mr. Crain       | Mr. C. B. Miller | Mr. Wyckoff         |
| Mr. E. Crosby   |                  |                     |

31

The engrossed bill from the Senate, entitled "An act in relation to carrying the United States mail on railroads," was read the third time.  
*Resolved*, That the bill do pass.

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The engrossed bill from the Senate, entitled "An act for the relief of Jason C. Osgood and Daniel F. Kellogg of the county of Madison," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The engrossed bill entitled "An act to amend the act entitled 'An act for the relief of Thomas Noyes and others,' passed April 28th, 1840," was read the third time.

*Resolved*, That the bill do pass.



The engrossed bill entitled "An act declaring a part of Big Broken-straw creek a public highway," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill entitled "An act to authorise Jackson Townsend of Hydepark, and Edwin A. Johnson of Esopus, to establish a ferry from Hydepark in the county of Dutchess, across the Hudson river, to the town of Esopus in Ulster county," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bills to the Senate, and request their concurrence in the same.

The bill entitled "An act enlarging the powers of the North American Fire Insurance Company," and the bill entitled "An act in relation to the Normal School," were returned from the Senate.

*Ordered*, That the Clerk deliver the said bills to the Governor.

A message from the Senate was received and read, informing that they have rejected the bill therewith returned, entitled "An act to extend the jurisdiction of the circuit judge of the first circuit, in hearing non-enumerated motions."

A message from the Senate, with the bills therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act to amend the act entitled 'An act relative to bridges across the creek commonly called Rœliff Jansen's kill in the county of Columbia;'" the bill entitled "An act to prohibit the throwing or depositing in the Croton aqueduct, or either of the reservoirs, any dead animal or other offensive matter, or any thing whatever;" the bill entitled "An act to provide for the improving and keeping in repair of a road through the Onondaga Indian reservation," and the bill entitled "An act to annex a part of the town of Busti to the town of Ellicott," severally without amendment.

*Ordered*, That the Clerk deliver the said bills to the Governor.

The House then proceeded to the consideration of the bill entitled "An act for the better security of mechanics and others erecting buildings and furnishing materials therefor in this State (except such cities and villages as are provided for in two several acts passed April 29th and May 7th, 1844)," which was read the third time on a previous day.

The question recurred on the final passage of the said bill.

Debates were had thereon; when

Mr. Chase moved to refer the said bill to the committee on trade and manufactures, with instructions to report the same complete.

Mr. M. Brooks moved to lay the said motion of Mr. Chase on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. M. Brooks, and it was determined in the affirmative.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act to sanction the regulation of the mayor, aldermen and commonalty of the city of New-York," with the amendments accompanying the same; and that in the opinion of the Senate, the said bill requires the assent of two-thirds of all the members elected to each branch of the Legislature to pass the same into a law.

The said amendments having been read,

Mr. Constant moved that the House concur in the same, and that the question on the final passage of the said bill and amendments be now put.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Constant, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to the final passage of the said bill and amendments, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 95 | } |
| { | NAYS   | 00 | } |
| { | ABSENT | 33 | } |

Those who voted in the affirmative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. D. Gould     | Mr. Porter          |
| Mr. Bagg        | Mr. G. Goold     | Mr. Preston         |
| Mr. Bailey      | Mr. Gregory      | Mr. Rice            |
| Mr. Barber      | Mr. Hannum       | Mr. Ross            |
| Mr. Betts       | Mr. Harden       | Mr. Russell         |
| Mr. Bevens      | Mr. Harris       | Mr. Sager           |
| Mr. Billings    | Mr. Hazelton     | Mr. Salisbury       |
| Mr. Bloss       | Mr. Heermans     | Mr. Sears           |
| Mr. Bowen       | Mr. Hervey       | Mr. Sherman         |
| Mr. J. Brooks   | Mr. Hinc         | Mr. Skelton         |
| Mr. M. Brooks   | Mr. Horton       | Mr. A. C. Smith     |
| Mr. L. H. Brown | Mr. Howard       | Mr. Speaker         |
| Mr. A. H. Buell | Mr. Hunt         | Mr. Spring          |
| Mr. Bunker      | Mr. Huntington   | Mr. J. Stevenson    |
| Mr. Burdick     | Mr. Jarvis       | Mr. R. L. Stevenson |
| Mr. Carpenter   | Mr. Johnson      | Mr. Strobbridge     |
| Mr. Casner      | Mr. Kinne        | Mr. Sweeney         |
| Mr. Chase       | Mr. Knapp        | Mr. Tefft           |
| Mr. Coe         | Mr. D. Lee       | Mr. Thayer          |
| Mr. Collins     | Mr. T. R. Lee    | Mr. Thompson        |
| Mr. Constock    | Mr. M'Donald     | Mr. Tibbits         |
| Mr. Constant    | Mr. M'Key        | Mr. Van Schoonhoven |
| Mr. Crain       | Mr. M'Vean       | Mr. Walrath         |
| Mr. Culver      | Mr. Mann         | Mr. Wells           |
| Mr. Danforth    | Mr. Mather       | Mr. Wheeler         |
| Mr. Dickson     | Mr. Mersereau    | Mr. White           |
| Mr. Fenn        | Mr. C. B. Miller | Mr. Whitney         |
| Mr. Field       | Mr. S. Miller    | Mr. Wilcox          |
| Mr. Fonda       | Mr. Morrison     | Mr. Wynant          |
| Mr. Frisbee     | Mr. Niven        | Mr. A. W. Young     |
| Mr. Garretson   | Mr. Oakley       | Mr. J. Young        |
| Mr. Giffard     | Mr. Pierce       |                     |

And those who were absent are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Blake        | Mr. Dewey      | Mr. Newkirk         |
| Mr. Boughton     | Mr. Edwards    | Mr. Pardee          |
| Mr. Brower       | Mr. Fellows    | Mr. Raymond         |
| Mr. S. A. Brown  | Mr. Hall       | Mr. Rogers          |
| Mr. T. Buel      | Mr. Hammond    | Mr. Searing         |
| Mr. Bush         | Mr. Jones      | Mr. W. Smith        |
| Mr. Cameron      | Mr. Litchfield | Mr. Titus           |
| Mr. C. F. Crosby | Mr. Long       | Mr. Tuthill         |
| Mr. E. Crosby    | Mr. M'Carthy   | Mr. Van Valkenburgh |
| Mr. Dayton       | Mr. Morris     | Mr. Worden          |
| Mr. De Puy       | Mr. Moulton    | Mr. Wyckoff         |

33

*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred in the said amendments, and amended the bill accordingly.

The Chair announced the appointment of a select committee on the bill entitled "An act to amend an act entitled 'An act in relation to the Natural History of New-York,'" to consist of Mr. T. R. Lee, Mr. Comstock, Mr. J. Young, Mr. Thompson and Mr. Fonda.

A message from the Senate, with the bill and amendments therein mentioned, was received and read, informing that the Senate had concurred in the amendments to the bill entitled "An act to authorise the common council of the city of Buffalo to borrow money, and for other purposes," agreed upon by the committee of conference to which the said bill was referred, and had passed the said bill, as amended.

*Ordered*, That the Clerk deliver the said bill to the Governor.

By unanimous consent,

Mr. Gregory, from the committee on trade and manufactures, to which was referred the bill entitled "An act to renew and extend an act passed February 23d, 1839, incorporating the American Atlantic Steam Navigation Company," with the amendments of the Senate thereto, reported, that the committee had examined the said amendments, and recommend that the House do concur in the same.

The said amendments having been read,

Mr. Speaker put the question whether the House would concur with the Senate in their amendments to the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 94 | } |
| { | NAYS   | 02 | } |
| { | ABSENT | 32 | } |

Those who voted in the affirmative are

|             |              |               |
|-------------|--------------|---------------|
| Mr. Bachman | Mr. Harden   | Mr. Ross      |
| Mr. Bagg    | Mr. Harris   | Mr. Russell   |
| Mr. Barber  | Mr. Hazelton | Mr. Sager     |
| Mr. Betts   | Mr. Heermans | Mr. Salisbury |

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bevens      | Mr. Hervey       | Mr. Searing         |
| Mr. Billings    | Mr. Hine         | Mr. Sears           |
| Mr. Bloss       | Mr. Howard       | Mr. Sherman         |
| Mr. Boughton    | Mr. Hunt         | Mr. Skelton         |
| Mr. Bowen       | Mr. Huntington   | Mr. A. C. Smith     |
| Mr. J. Brooks   | Mr. Jarvis       | Mr. Speaker         |
| Mr. M. Brooks   | Mr. Johnson      | Mr. Spring          |
| Mr. L. H. Brown | Mr. Knapp        | Mr. J. Stevenson    |
| Mr. A. H. Buell | Mr. D. Lee       | Mr. R. L. Stevenson |
| Mr. Carpenter   | Mr. Litchfield   | Mr. Strobbridge     |
| Mr. Casner      | Mr. M'Donald     | Mr. Sweeney         |
| Mr. Chase       | Mr. M'Key        | Mr. Tefft           |
| Mr. Coe         | Mr. M'Vean       | Mr. Thayer          |
| Mr. Collins     | Mr. Mann         | Mr. Thompson        |
| Mr. Constant    | Mr. Mather       | Mr. Tibbits         |
| Mr. Culver      | Mr. Mersereau    | Mr. Tuthill         |
| Mr. Danforth    | Mr. C. B. Miller | Mr. Van Schoonhoven |
| Mr. Dickson     | Mr. S. Miller    | Mr. Walrath         |
| Mr. Fenn        | Mr. Morris       | Mr. Wells           |
| Mr. Field       | Mr. Morrison     | Mr. Wheeler         |
| Mr. Fonda       | Mr. Newkirk      | Mr. White           |
| Mr. Frisbee     | Mr. Niven        | Mr. Whitney         |
| Mr. Garretson   | Mr. Oakley       | Mr. Wilcox          |
| Mr. Gifford     | Mr. Pierce       | Mr. Wyckoff         |
| Mr. D. Gould    | Mr. Porter       | Mr. Wynant          |
| Mr. G. Goold    | Mr. Preston      | Mr. A. W. Young     |
| Mr. Gregory     | Mr. Rice         | Mr. J. Young        |
| Mr. Hannum      |                  |                     |

94

Those who voted in the negative are

Mr. Bailey

Mr. Crain

2

And those who were absent are

|                  |               |                     |
|------------------|---------------|---------------------|
| Mr. Blake        | Mr. Dayton    | Mr. Long            |
| Mr. Brower       | Mr. De Puy    | Mr. M'Carthy        |
| Mr. S. A. Brown  | Mr. Dewey     | Mr. Moulton         |
| Mr. T. Buel      | Mr. Edwards   | Mr. Pardee          |
| Mr. Bunker       | Mr. Fellows   | Mr. Raymond         |
| Mr. Burdick      | Mr. Hall      | Mr. Rogers          |
| Mr. Bush         | Mr. Hammond   | Mr. W. Smith        |
| Mr. Cameron      | Mr. Horton    | Mr. Titus           |
| Mr. Comstock     | Mr. Jones     | Mr. Van Valkenburgh |
| Mr. C. F. Crosby | Mr. Kinne     | Mr. Worden          |
| Mr. E. Crosby    | Mr. T. R. Lee |                     |

32

*Ordered,* That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred with them in the said amendments, and amended the bill accordingly.



A message from the Senate was received and read, informing that they had rejected the bill therewith returned, entitled "An act to incorporate the Prison Association of New-York."

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act to extend the docks in the city of Albany, south of Hamilton-street," without amendment.

*Ordered,* That the Clerk deliver the said bill to the Governor.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act for the protection and improvement of the Seneca Indians residing on the Cataraugus and Allegany reservations in this State," with the amendments accompanying the same.

The said amendments having been read,

Mr. Bowen moved that the House do concur therein.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Bowen, and it was determined in the affirmative.

*Ordered,* That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred in the said amendments, and amended the bill accordingly.

The engrossed bill entitled "An act to authorise the rector, churchwardens and vestrymen of Christ Church in the town of Rye in the county of Westchester, to sell and convey certain real estate," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 92 | } |
| { | NAYS   | 00 | } |
| { | ABSENT | 36 | } |

Those who voted in the affirmative are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Bachman     | Mr. Harden     | Mr. Rice            |
| Mr. Bagg        | Mr. Harris     | Mr. Ross            |
| Mr. Bailey      | Mr. Hazelton   | Mr. Russell         |
| Mr. Barber      | Mr. Heermans   | Mr. Salisbury       |
| Mr. Bevens      | Mr. Hine       | Mr. Searing         |
| Mr. Billings    | Mr. Horton     | Mr. Sears           |
| Mr. Boughton    | Mr. Howard     | Mr. Sherman         |
| Mr. Bowen       | Mr. Hunt       | Mr. Skelton         |
| Mr. J. Brooks   | Mr. Huntington | Mr. A. C. Smith     |
| Mr. M. Brooks   | Mr. Jarvis     | Mr. Speaker         |
| Mr. L. H. Brown | Mr. Johnson    | Mr. Spring          |
| Mr. A. H. Buell | Mr. Kinne      | Mr. J. Stevenson    |
| Mr. Burdick     | Mr. Knapp      | Mr. R. L. Stevenson |
| Mr. Carpenter   | Mr. D. Lee     | Mr. Strobridge      |
| Mr. Casner      | Mr. T. R. Lee  | Mr. Sweeney         |

|               |                  |                     |
|---------------|------------------|---------------------|
| Mr. Chase     | Mr. Litchfield   | Mr. Tefft           |
| Mr. Coe       | Mr. M'Donald     | Mr. Thayer          |
| Mr. Constant  | Mr. M'Key        | Mr. Thompson        |
| Mr. Culver    | Mr. M'Vean       | Mr. Tibbits         |
| Mr. Danforth  | Mr. Mann         | Mr. Tuthill         |
| Mr. Dickson   | Mr. Mather       | Mr. Van Schoonhoven |
| Mr. Fenn      | Mr. Mersereau    | Mr. Walrath         |
| Mr. Field     | Mr. C. B. Miller | Mr. Wells           |
| Mr. Fonda     | Mr. S. Miller    | Mr. Wheeler         |
| Mr. Frisbee   | Mr. Morris       | Mr. White           |
| Mr. Garretson | Mr. Morrison     | Mr. Wilcox          |
| Mr. Gifford   | Mr. Niven        | Mr. Wyckoff         |
| Mr. D. Gould  | Mr. Oakley       | Mr. Wynant          |
| Mr. G. Goold  | Mr. Pierce       | Mr. A. W. Young     |
| Mr. Gregory   | Mr. Porter       | Mr. J. Young        |
| Mr. Hannum    | Mr. Preston      |                     |

92

And those who were absent are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Betts       | Mr. C. F. Crosby | Mr. M'Carthy        |
| Mr. Blake       | Mr. E. Crosby    | Mr. Moulton         |
| Mr. Bloss       | Mr. Dayton       | Mr. Newkirk         |
| Mr. Brower      | Mr. De Puy       | Mr. Pardee          |
| Mr. S. A. Brown | Mr. Dewey        | Mr. Raymond         |
| Mr. T. Buel     | Mr. Edwards      | Mr. Rogers          |
| Mr. Bunker      | Mr. Fellows      | Mr. Sager           |
| Mr. Bush        | Mr. Hall         | Mr. W. Smith        |
| Mr. Cameron     | Mr. Hammond      | Mr. Titus           |
| Mr. Collins     | Mr. Hervey       | Mr. Van Valkenburgh |
| Mr. Comstock    | Mr. Jones        | Mr. Whitney         |
| Mr. Crain       | Mr. Long         | Mr. Worden          |

36

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to incorporate the Fire Engine Company of East-Albany," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |
|---|--------|----|
| { | AYES   | 86 |
|   | NAYS   | 04 |
|   | ABSENT | 38 |

Those who voted in the affirmative are

|             |              |               |
|-------------|--------------|---------------|
| Mr. Bachman | Mr. Harden   | Mr. Ross      |
| Mr. Bagg    | Mr. Harris   | Mr. Russell   |
| Mr. Bailey  | Mr. Heermans | Mr. Salisbury |

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Barber      | Mr. Hine         | Mr. Searing         |
| Mr. Betts       | Mr. Horton       | Mr. Sherman         |
| Mr. Bevens      | Mr. Howard       | Mr. Skelton         |
| Mr. Boughton    | Mr. Hunt         | Mr. A. C. Smith     |
| Mr. Bowen       | Mr. Huntington   | Mr. Speaker         |
| Mr. M. Brooks   | Mr. Jarvis       | Mr. Spring          |
| Mr. L. H. Brown | Mr. Johnson      | Mr. J. Stevenson    |
| Mr. A. H. Buell | Mr. Kinne        | Mr. R. L. Stevenson |
| Mr. Burdick     | Mr. Knapp        | Mr. Strobbridge     |
| Mr. Casner      | Mr. D. Lee       | Mr. Sweeney         |
| Mr. Chase       | Mr. Litchfield   | Mr. Tefft           |
| Mr. Coc         | Mr. M'Donald     | Mr. Thayer          |
| Mr. Constant    | Mr. M'Vean       | Mr. Thompson        |
| Mr. Culver      | Mr. Mann         | Mr. Tibbits         |
| Mr. Danforth    | Mr. Mather       | Mr. Tuthill         |
| Mr. Dickson     | Mr. Mersereau    | Mr. Van Schoonhoven |
| Mr. Fenn        | Mr. C. B. Miller | Mr. Walrath         |
| Mr. Field       | Mr. S. Miller    | Mr. Wells           |
| Mr. Fonda       | Mr. Morris       | Mr. Wheeler         |
| Mr. Frisbee     | Mr. Morrison     | Mr. White           |
| Mr. Garretson   | Mr. Niven        | Mr. Wilcox          |
| Mr. Gifford     | Mr. Oakley       | Mr. Wyckoff         |
| Mr. D. Gould    | Mr. Pierce       | Mr. Wynant          |
| Mr. G. Goold    | Mr. Porter       | Mr. A. W. Young     |
| Mr. Gregory     | Mr. Preston      | Mr. J. Young        |
| Mr. Hannum      | Mr. Rice         |                     |

86

Those who voted in the negative are

|               |               |           |
|---------------|---------------|-----------|
| Mr. Carpenter | Mr. T. R. Lee | Mr. M'Key |
| Mr. Crain     |               |           |

4

And those who were absent are

|                  |               |                     |
|------------------|---------------|---------------------|
| Mr. Billings     | Mr. E. Crosby | Mr. Moulton         |
| Mr. Blake        | Mr. Dayton    | Mr. Newkirk         |
| Mr. Bloss        | Mr. De Puy    | Mr. Pardee          |
| Mr. J. Brooks    | Mr. Dewey     | Mr. Raymond         |
| Mr. Brower       | Mr. Edwards   | Mr. Rogers          |
| Mr. S. A. Brown  | Mr. Fellows   | Mr. Sager           |
| Mr. T. Buel      | Mr. Hall      | Mr. Sears           |
| Mr. Bunker       | Mr. Hammond   | Mr. W. Smith        |
| Mr. Bush         | Mr. Hazelton  | Mr. Titus           |
| Mr. Cameron      | Mr. Hervey    | Mr. Van Valkenburgh |
| Mr. Collins      | Mr. Jones     | Mr. Whitney         |
| Mr. Comstock     | Mr. Long      | Mr. Worden          |
| Mr. C. F. Crosby | Mr. M'Carthy  |                     |

38

*Ordered,* That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act for the relief of Nelson Wolcott," was read the third time.

*Resolved,* That the bill do pass.

*Ordered,* That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

By unanimous consent, on motion of Mr. A. W. Young,

*Resolved,* That the bill entitled "An act relative to the village of Warsaw," be taken from the general orders, and ordered to be engrossed for a third reading.

The engrossed bill entitled "An act for the relief of James D. Sparkman and Samuel Cox," was read the third time.

*Resolved,* That the bill do pass.

*Ordered,* That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

By unanimous consent,

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the petition of sundry inhabitants of the village of Hydepark in the county of Dutchess, praying for the incorporation of a fire company, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Chase accordingly brought in the said bill, entitled "An act to incorporate the Hydepark Fire Company;" which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. Chase,

*Ordered,* That the said bill be engrossed for a third reading.

The engrossed bill entitled "An act to amend an act entitled 'An act to incorporate the Albany Cemetery Association,' passed April 20th, 1841," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |
|---|--------|----|
| { | AYES   | 91 |
| { | NAYS   | 00 |
| { | ABSENT | 37 |

Those who voted in the affirmative are

Mr. Bachman  
Mr. Bagg  
Mr. Barber  
Mr. Betts  
Mr. Bevens  
Mr. Billings  
Mr. Boughton  
Mr. Bowen  
Mr. J. Brooks  
Mr. M. Brooks

Mr. Harris  
Mr. Hazelton  
Mr. Heermans  
Mr. Hervey  
Mr. Hine  
Mr. Horton  
Mr. Howard  
Mr. Hunt  
Mr. Huntington  
Mr. Jarvis

Mr. Porter  
Mr. Preston  
Mr. Rice  
Mr. Ross  
Mr. Russell  
Mr. Sager  
Mr. Salisbury  
Mr. Searing  
Mr. Sears  
Mr. Sherman



|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. L. H. Brown | Mr. Johnson      | Mr. Skelton         |
| Mr. A. H. Buell | Mr. Kinne        | Mr. A. C. Smith     |
| Mr. Burdick     | Mr. Knapp        | Mr. Speaker         |
| Mr. Carpenter   | Mr. D. Leé       | Mr. Spring          |
| Mr. Casner      | Mr. T. R. Lee    | Mr. J. Stevenson    |
| Mr. Chase       | Mr. Litchfield   | Mr. R. L. Stevenson |
| Mr. Coe         | Mr. M'Donald     | Mr. Strobbridge     |
| Mr. Crain       | Mr. M'Key        | Mr. Sweeney         |
| Mr. Culver      | Mr. M'Vean       | Mr. Thayer          |
| Mr. Danforth    | Mr. Mann         | Mr. Thompson        |
| Mr. Dickson     | Mr. Mather       | Mr. Tibbits         |
| Mr. Field       | Mr. Mersereau    | Mr. Van Schoonhoven |
| Mr. Fonda       | Mr. C. B. Miller | Mr. Walrath         |
| Mr. Frisbee     | Mr. S. Miller    | Mr. Wells           |
| Mr. Garretson   | Mr. Morris       | Mr. Wheeler         |
| Mr. Gifford     | Mr. Morrison     | Mr. White           |
| Mr. D. Gould    | Mr. Niven        | Mr. Wyckoff         |
| Mr. G. Goold    | Mr. Oakley       | Mr. Wynant          |
| Mr. Gregory     | Mr. Pardee       | Mr. A. W. Young     |
| Mr. Hannum      | Mr. Pierce       | Mr. J. Young        |
| Mr. Harden      |                  |                     |

91

And those who were absent are

|                  |               |                     |
|------------------|---------------|---------------------|
| Mr. Bailey       | Mr. E. Crosby | Mr. Moulton         |
| Mr. Blake        | Mr. Dayton    | Mr. Newkirk         |
| Mr. Bloss        | Mr. De Puy    | Mr. Raymond         |
| Mr. Brower       | Mr. Dewey     | Mr. Rogers          |
| Mr. S. A. Brown  | Mr. Edwards   | Mr. W. Smith        |
| Mr. T. Buel      | Mr. Fellows   | Mr. Tefft           |
| Mr. Bunker       | Mr. Fenn      | Mr. Titus           |
| Mr. Bush         | Mr. Hall      | Mr. Tuthill         |
| Mr. Cameron      | Mr. Hammond   | Mr. Van Valkenburgh |
| Mr. Collins      | Mr. Jones     | Mr. Whitney         |
| Mr. Comstock     | Mr. Long      | Mr. Wilcox          |
| Mr. Constant     | Mr. M'Carthy  | Mr. Worden          |
| Mr. C. F. Crosby |               |                     |

37

*Ordered,* That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act concerning the Seneca Turnpike Road Company," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 95 | } |
| { | NAYS   | 01 | } |
| { | ABSENT | 32 | } |

## Those who voted in the affirmative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. Hannum       | Mr. Rice            |
| Mr. Bagg        | Mr. Harden       | Mr. Ross            |
| Mr. Bailey      | Mr. Harris       | Mr. Sager           |
| Mr. Barber      | Mr. Hazelton     | Mr. Salisbury       |
| Mr. Betts       | Mr. Heermans     | Mr. Searing         |
| Mr. Bevens      | Mr. Hervey       | Mr. Sears           |
| Mr. Billings    | Mr. Hine         | Mr. Sherman         |
| Mr. Bloss       | Mr. Horton       | Mr. Skelton         |
| Mr. Boughton    | Mr. Howard       | Mr. A. C. Smith     |
| Mr. Bowen       | Mr. Hunt         | Mr. Speaker         |
| Mr. J. Brooks   | Mr. Jarvis       | Mr. Spring          |
| Mr. M. Brooks   | Mr. Johnson      | Mr. J. Stevenson    |
| Mr. L. H. Brown | Mr. Kinne        | Mr. R. L. Stevenson |
| Mr. A. H. Buell | Mr. Knapp        | Mr. Srobridge       |
| Mr. Burdick     | Mr. D. Lee       | Mr. Sweeney         |
| Mr. Carpenter   | Mr. T. R. Lee    | Mr. Tefft           |
| Mr. Casner      | Mr. Litchfield   | Mr. Thayer          |
| Mr. Chase       | Mr. M'Donald     | Mr. Thompson        |
| Mr. Coe         | Mr. M'Key        | Mr. Tibbits         |
| Mr. Comstock    | Mr. M'Vean       | Mr. Tuthill         |
| Mr. Culver      | Mr. Mann         | Mr. Van Schoonhoven |
| Mr. Danforth    | Mr. Mather       | Mr. Walrath         |
| Mr. Dickson     | Mr. Mersereau    | Mr. Wells           |
| Mr. Fenn        | Mr. C. B. Miller | Mr. Wheeler         |
| Mr. Field       | Mr. S. Miller    | Mr. White           |
| Mr. Fonda       | Mr. Morris       | Mr. Whitney         |
| Mr. Frisbee     | Mr. Morrison     | Mr. Wilcox          |
| Mr. Garretson   | Mr. Oakley       | Mr. Wyckoff         |
| Mr. Gifford     | Mr. Pardee       | Mr. Wynant          |
| Mr. D. Gould    | Mr. Pierce       | Mr. A. W. Young     |
| Mr. G. Goold    | Mr. Porter       | Mr. J. Young        |
| Mr. Gregory     | Mr. Preston      |                     |

95

## For the negative,

Mr. Russell

1

## And those who were absent are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Blake        | Mr. E. Crosby  | Mr. M'Carthy        |
| Mr. Brower       | Mr. Dayton     | Mr. Moulton         |
| Mr. S. A. Brown  | Mr. De Puy     | Mr. Newkirk         |
| Mr. T. Buel      | Mr. Dewey      | Mr. Niven           |
| Mr. Bunker       | Mr. Edwards    | Mr. Raymond         |
| Mr. Bush         | Mr. Fellows    | Mr. Rogers          |
| Mr. Cameron      | Mr. Hall       | Mr. W. Smith        |
| Mr. Collins      | Mr. Hammond    | Mr. Titus           |
| Mr. Constant     | Mr. Huntington | Mr. Van Valkenburgh |
| Mr. Crain        | Mr. Jones      | Mr. Worden          |
| Mr. C. F. Crosby | Mr. Long       |                     |

32

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act to authorise the reference of certain actions at law," with the accompanying amendments.

The said amendments having been read,

*Ordered*, That the bill and amendments be referred to the committee on the judiciary.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act to amend the Revised Statutes, relative to procuring abortions," with the accompanying amendments.

The said amendments having been read,

*Ordered*, That the bill and amendments be referred to the committee on the judiciary.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act to amend an act for the relief of Robert Gere and Philo C. Weaver, passed May 2d, 1844," with the accompanying amendments.

The said amendments having been read,

*Ordered*, That the bill and amendments be referred to the committee on claims.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act to incorporate the Buffalo and Lancaster Plank Road Company," with the accompanying amendments.

The said amendments having been read,

*Ordered*, That the bill and amendments be referred to the committee on roads and bridges.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act for the relief of John Hutchings," with the accompanying amendments.

The said amendments having been read,

Mr. M. Brooks moved that the House concur in the same.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. M. Brooks, and it was determined in the affirmative.

*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred with them in the said amendments, and amended the bill accordingly.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act authorising the board of supervisors of the county of Essex, Oneida and Dutchess, to restore the distinction between county and town poor," with the accompanying amendments.

The said amendments having been read,

Mr. Chase moved that the House concur in the same.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Chase, and it was determined in the affirmative.

*Ordered*, That the Clerk return the said bill and amendments to the

Senate, and inform them that the Assembly have concurred in the said amendments, and amended the bill accordingly.

The engrossed bill entitled "An act to authorise certain individuals in the town of Edinburgh, Saratoga county, to loan money," was read the third time.

By unanimous consent,

Mr. D. Lee moved to amend the said bill, by striking out "loan" and "loaned," wherever the same occur in the said bill and in the title, and inserting "borrow" and "borrowed" in lieu thereof.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. D. Lee, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to the final passage of the said bill, as amended, and it was determined in the affirmative.

*Ordered,* That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to incorporate the trustees and associates of the Brooklyn Benevolent Society," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 88 | } |
| { | NAYS   | 03 | } |
| { | ABSENT | 37 | } |

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Harden       | Mr. Russell         |
| Mr. Bagg         | Mr. Harris       | Mr. Sager           |
| Mr. Barber       | Mr. Hazelton     | Mr. Salisbury       |
| Mr. Betts        | Mr. Hervey       | Mr. Searing         |
| Mr. Bevens       | Mr. Hine         | Mr. Sears           |
| Mr. Billings     | Mr. Horton       | Mr. Sherman         |
| Mr. Bloss        | Mr. Howard       | Mr. A. C. Smith     |
| Mr. Boughton     | Mr. Hunt         | Mr. Speaker         |
| Mr. Bowen        | Mr. Jarvis       | Mr. Spring          |
| Mr. J. Brooks    | Mr. D. Lee       | Mr. J. Stevenson    |
| Mr. L. H. Brown  | Mr. Litchfield   | Mr. R. L. Stevenson |
| Mr. A. H. Buell  | Mr. M'Donald     | Mr. Strobbridge     |
| Mr. Burdick      | Mr. M'Key        | Mr. Sweeney         |
| Mr. Casner       | Mr. M'Vean       | Mr. Tefft           |
| Mr. Chase        | Mr. Mann         | Mr. Thayer          |
| Mr. Coe          | Mr. Mather       | Mr. Thompson        |
| Mr. Collins      | Mr. Mersereau    | Mr. Tibbits         |
| Mr. Comstock     | Mr. C. B. Miller | Mr. Tuthill         |
| Mr. C. F. Crosby | Mr. S. Miller    | Mr. Van Schoonhoven |
| Mr. Culver       | Mr. Morris       | Mr. Walrath         |
| Mr. Danforth     | Mr. Morrison     | Mr. Wells           |



|               |             |                 |
|---------------|-------------|-----------------|
| Mr. Fenn      | Mr. Niven   | Mr. Wheeler     |
| Mr. Field     | Mr. Oakley  | Mr. White       |
| Mr. Frisbee   | Mr. Pardee  | Mr. Whitney     |
| Mr. Garretson | Mr. Pierce  | Mr. Wilcox      |
| Mr. Gifford   | Mr. Porter  | Mr. Wyckoff     |
| Mr. D. Gould  | Mr. Preston | Mr. Wynant      |
| Mr. G. Goold  | Mr. Rice    | Mr. A. W. Young |
| Mr. Gregory   | Mr. Ross    | Mr. J. Young    |
| Mr. Hannum    |             |                 |

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Those who voted in the negative are

|            |               |           |   |
|------------|---------------|-----------|---|
| Mr. Bailey | Mr. Carpenter | Mr. Fonda | 3 |
|------------|---------------|-----------|---|

And those who were absent are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Blake       | Mr. Dewey      | Mr. T. R. Lee       |
| Mr. M. Brooks   | Mr. Dickson    | Mr. Long            |
| Mr. Brower      | Mr. Edwards    | Mr. M'Carthy        |
| Mr. S. A. Brown | Mr. Fellows    | Mr. Moulton         |
| Mr. T. Buel     | Mr. Hall       | Mr. Newkirk         |
| Mr. Bunker      | Mr. Hammond    | Mr. Raymond         |
| Mr. Bush        | Mr. Heermans   | Mr. Rogers          |
| Mr. Cameron     | Mr. Huntington | Mr. Skelton         |
| Mr. Constant    | Mr. Johnson    | Mr. W. Smith        |
| Mr. Crain       | Mr. Jones      | Mr. Titus           |
| Mr. E. Crosby   | Mr. Kinne      | Mr. Van Valkenburgh |
| Mr. Dayton      | Mr. Knapp      | Mr. Worden          |
| Mr. De Puy      |                |                     |

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*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to incorporate the village of New-London," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |
|---|--------|----|
| { | AYES   | 88 |
|   | NAYS   | 00 |
|   | ABSENT | 40 |

Those who voted in the affirmative are

|             |              |               |
|-------------|--------------|---------------|
| Mr. Bachman | Mr. Hannum   | Mr. Rice      |
| Mr. Bagg    | Mr. Harden   | Mr. Ross      |
| Mr. Bailey  | Mr. Harris   | Mr. Russell   |
| Mr. Barber  | Mr. Hazelton | Mr. Sager     |
| Mr. Betts   | Mr. Hervey   | Mr. Salisbury |

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bevens      | Mr. Horton       | Mr. Searing         |
| Mr. Billings    | Mr. Howard       | Mr. Sherman         |
| Mr. Bowen       | Mr. Hunt         | Mr. Skelton         |
| Mr. J. Brooks   | Mr. Jarvis       | Mr. A. C. Smith     |
| Mr. M. Brooks   | Mr. Kinne        | Mr. Speaker         |
| Mr. L. H. Brown | Mr. D. Lee       | Mr. Spring          |
| Mr. A. H. Buell | Mr. Litchfield   | Mr. J. Stevenson    |
| Mr. Burdick     | Mr. M'Donald     | Mr. R. L. Stevenson |
| Mr. Carpenter   | Mr. M'Key        | Mr. Stobridge       |
| Mr. Casner      | Mr. M'Vean       | Mr. Sweeney         |
| Mr. Chase       | Mr. Mann         | Mr. Tefft           |
| Mr. Coe         | Mr. Mather       | Mr. Thayer          |
| Mr. Collins     | Mr. Mersereau    | Mr. Thompson        |
| Mr. Comstock    | Mr. C. B. Miller | Mr. Tibbits         |
| Mr. Culver      | Mr. S. Miller    | Mr. Tnithill        |
| Mr. Danforth    | Mr. Morris       | Mr. Van Schoonhoven |
| Mr. Dickson     | Mr. Morrison     | Mr. Walrath         |
| Mr. Fenn        | Mr. Newkirk      | Mr. Wheeler         |
| Mr. Field       | Mr. Niven        | Mr. Whitney         |
| Mr. Fonda       | Mr. Oakley       | Mr. Wilcox          |
| Mr. Frisbee     | Mr. Pardee       | Mr. Wyckoff         |
| Mr. Gifford     | Mr. Pierce       | Mr. Wynant          |
| Mr. D. Gould    | Mr. Porter       | Mr. A. W. Young     |
| Mr. G. Goold    | Mr. Preston      | Mr. J. Young        |
| Mr. Gregory     |                  |                     |

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And those who were absent are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Blake        | Mr. De Puy     | Mr. T. R. Lee       |
| Mr. Bloss        | Mr. Dewey      | Mr. Long            |
| Mr. Boughton     | Mr. Edwards    | Mr. M'Carthy        |
| Mr. Brower       | Mr. Fellows    | Mr. Moulton         |
| Mr. S. A. Brown  | Mr. Garretson  | Mr. Raymond         |
| Mr. T. Buel      | Mr. Hall       | Mr. Rogers          |
| Mr. Bunker       | Mr. Hammond    | Mr. Sears           |
| Mr. Bush         | Mr. Heermans   | Mr. W. Smith        |
| Mr. Cameron      | Mr. Hine       | Mr. Titus           |
| Mr. Constant     | Mr. Huntington | Mr. Van Valkenburgh |
| Mr. Crain        | Mr. Johnson    | Mr. Wells           |
| Mr. C. F. Crosby | Mr. Jones      | Mr. White           |
| Mr. E. Crosby    | Mr. Knapp      | Mr. Worden          |
| Mr. Dayton       |                |                     |

40

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

A message from the Senate, with the bills therein mentioned, was received and read, requesting the concurrence of the Assembly to the bill entitled "An act in relation to the courts of common pleas in and for the county of Warren;" to the bill entitled "An act to repeal the several acts in relation to the State Hospital in the city of New-York;"

and to the bill entitled "An act to amend an act entitled 'An act respecting the fees of surrogates,' passed May 7th, 1844."

The said bills were severally read the first time, and by unanimous consent were also read a second time, and the bill entitled "An act in relation to the courts of common pléas in and for the county of Warren," was referred to the committee on the judiciary; the bill entitled "An act to repeal the several acts in relation to the State Hospital in the city of New-York," on motion of Mr. Thompson, was referred to the committee on charitable and religious societies, with instructions to report the same complete; and the bill entitled "An act to amend an act entitled 'An act respecting the fees of surrogates,' passed May 7, 1844," was referred to the committee on the judiciary.

The engrossed bill from the Senate, entitled "An act to incorporate the Colored Home of the city of New-York," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit:

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 88 | } |
| { | NAYS   | 00 | } |
| { | ABSENT | 40 | } |

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Harris       | Mr. Rice            |
| Mr. Barber       | Mr. Hazelton     | Mr. Ross            |
| Mr. Betts        | Mr. Hervey       | Mr. Russell         |
| Mr. Bevens       | Mr. Hine         | Mr. Sager           |
| Mr. Billings     | Mr. Horton       | Mr. Salisbury       |
| Mr. Boughton     | Mr. Howard       | Mr. Searing         |
| Mr. Bowen        | Mr. Hunt         | Mr. Skelton         |
| Mr. J. Brooks    | Mr. Jarvis       | Mr. A. C. Smith     |
| Mr. M. Brooks    | Mr. Johnson      | Mr. Speaker         |
| Mr. L. H. Brown  | Mr. Kinne        | Mr. Spring          |
| Mr. A. H. Buell  | Mr. D. Lee       | Mr. J. Stevenson    |
| Mr. Burdick      | Mr. T. R. Lee    | Mr. R. L. Stevenson |
| Mr. Casner       | Mr. Litchfield   | Mr. Strobbridge     |
| Mr. Chase        | Mr. McDonald     | Mr. Sweeney         |
| Mr. Coe          | Mr. M'Key        | Mr. Tefft           |
| Mr. Collins      | Mr. M'Vean       | Mr. Thayer          |
| Mr. Comstock     | Mr. Mather       | Mr. Thompson        |
| Mr. C. F. Crosby | Mr. Mersereau    | Mr. Tibbits         |
| Mr. Culver       | Mr. C. B. Miller | Mr. Tuthill         |
| Mr. Danforth     | Mr. S. Miller    | Mr. Van Schoonhoven |
| Mr. Dickson      | Mr. Morris       | Mr. Walrath         |
| Mr. Fenn         | Mr. Morrison     | Mr. Wells           |
| Mr. Field        | Mr. Newkirk      | Mr. Wheeler         |
| Mr. Fonda        | Mr. Niven        | Mr. White           |
| Mr. Frisbee      | Mr. Oakley       | Mr. Wilcox          |

|              |             |                 |
|--------------|-------------|-----------------|
| Mr. Gifford  | Mr. Pardee  | Mr. Wyckoff     |
| Mr. D. Gould | Mr. Pierce  | Mr. Wynant      |
| Mr. G. Goold | Mr. Porter  | Mr. A. W. Young |
| Mr. Hannum   | Mr. Preston | Mr. J. Young    |
| Mr. Harden   |             |                 |

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And those who were absent are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Bagg        | Mr. Dayton     | Mr. Long            |
| Mr. Bailey      | Mr. De Puy     | Mr. M'Carthy        |
| Mr. Blake       | Mr. Dewey      | Mr. Mann            |
| Mr. Bloss       | Mr. Edwards    | Mr. Moulton         |
| Mr. Brower      | Mr. Fellows    | Mr. Raymond         |
| Mr. S. A. Brown | Mr. Garretson  | Mr. Rogers          |
| Mr. T. Buel     | Mr. Gregory    | Mr. Sears           |
| Mr. Bunker      | Mr. Hall       | Mr. Sherman         |
| Mr. Bush        | Mr. Hammond    | Mr. W. Smith        |
| Mr. Cameron     | Mr. Heermans   | Mr. Titus           |
| Mr. Carpenter   | Mr. Huntington | Mr. Van Valkenburgh |
| Mr. Constant    | Mr. Jones      | Mr. Whitney         |
| Mr. Crain       | Mr. Knapp      | Mr. Worden          |
| Mr. E. Crosby   |                |                     |

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*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

By unanimous consent,

Mr. Frisbee, from the committee on roads and bridges, to which was referred the bill entitled "An act to incorporate the Buffalo and Lancaster Plank Road Company," with the amendments of the Senate thereto, reported, that the committee had examined the said amendments, and recommend that the House do concur in the same.

*Ordered*, That the said bill and amendments be laid upon the table.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to incorporate the Rome Waterworks Company," and found the same correctly engrossed.

*Ordered*, That the said bill do have its third reading.

The engrossed bill entitled "An act in relation to the terms of the court of common pleas and general sessions of the county of Allegany," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
Albany, May 6, 1845. }

TO THE ASSEMBLY.

I have this day approved and signed the bill entitled "An act for the relief of the religious incorporation or society, known as the Corporation of the Berean Baptist Church in the city of New-York."



The bill entitled "An act to amend an act entitled 'An act to provide for building bridges over Oak-orchard and Marsh creeks, at or near the junction of said creeks in the town of Carlton in the county of Orleans,' passed March 21st, 1844."

The bill entitled "An act to provide a seal for the court of oyer and terminer and general sessions of the peace in and for the city and county of New-York."

The bill entitled "An act to confirm the official acts of Samuel K. Wolcott as a justice of the peace."

The bill entitled "An act for the relief of Joseph L. Harris."

The bill entitled "An act to amend the charter of the Herkimer Manufacturing and Hydraulic Company."

The bill entitled "An act for the preservation of fish in the Nine-mile creek."

The bill entitled "An act to authorise and require the Canal Commissioners to take charge of the sidecut canals in the village of Liverpool."

The bill entitled "An act to drain the Bashaskill swamp."

And the bill entitled "An act in relation to the appointment of superintendents of the poor in the county of Westchester, and for other purposes."

SILAS WRIGHT.

A resolution of the Senate was received and read, in the words following, to wit :

*Resolved*, (if the Assembly concur,) That in compliance with section five of article one of title one of chapter fifteen of part one of the Revised Statutes, this Legislature will, on Thursday the eighth day of May inst., at twelve o'clock noon, proceed to nominate and appoint a person to fill the office of Regent of the University, in place of the Hon. Martin Van Buren, who declines the appointment.

Mr. Comstock moved to amend the said resolution, by substituting "Saturday next" for "Thursday."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Comstock, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to the said resolution, as amended, and it was determined in the affirmative.

*Ordered*, That the Clerk return the said resolution to the Senate, and inform them that the Assembly have amended and concurred in the same.

The hour of half past one o'clock having arrived,

The House took a recess until half past three o'clock this afternoon.

## HALF PAST THREE O'CLOCK P. M.

The House again met.

A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
*Albany, May 7, 1845.* }

TO THE ASSEMBLY.

I have this day approved and signed the bill entitled "An act to annex a part of the town of Busti to the town of Ellicott."

The bill entitled "An act to provide for the improving and keeping in repair of a road through the Onondaga Indian reservation."

The bill entitled "An act to prohibit the throwing or depositing in the Croton aqueduct, or either of the reservoirs, any dead animal or other offensive matter, or any thing whatever."

The bill entitled "An act to amend the act entitled 'An act relative to bridges across the creek commonly called Rœliff Jansen's kill, in the county of Columbia.'"

The bill entitled "An act in relation to the Normal School."

And the bill entitled "An act enlarging the powers of the North American Fire Insurance Company."

SILAS WRIGHT.

The House then resolved itself into a committee of the whole, on the bill entitled "An act to incorporate the Shaareh Tikvah, or Gates of Hope Benevolent Association in the city of New-York ;" on the bill entitled "An act to incorporate the Esrath Yethomin Vealmonoth, or Mutual Assistance Society for widows and orphans of the Jewish persuasion ;" on the bill entitled "An act to incorporate the German United Brethren Society in the city of New-York ;" on the bill entitled "An act to incorporate the St. David's Benevolent Society of the cities of New-York and Brooklyn ;" on the bill entitled "An act to increase the tax upon foreign insurance companies doing business in the cities of New-York and Brooklyn, and for other purposes ;" on the bill entitled "An act for the protection of persons keeping boarding houses in the city of New-York ;" on the bill entitled "An act to amend the act entitled 'An act more effectually to provide for common school education in the city and county of New-York,' passed May 7th, 1844 ;" and on the bill entitled "An act to incorporate the Female Moral Reform Society in the city of New-York ;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. M. Brooks, from the said committee, reported, that the committee had gone through the bill entitled "An act to incorporate the Shaareh Tikvah, or Gates of Hope Benevolent Association in the city of New-York," and agreed to the same without amendment ; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. M. Brooks, from the same committee, reported, that the committee had gone through the bill entitled "An act to incorporate the German United Brethren Society in the city of New-York," and agreed

to the same without amendment ; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. M. Brooks, from the same committee, reported, that the committee had gone through the bill entitled "An act to incorporate the Esrath Yethomin Vealmonoth, or Mutual Assistance Society for widows and orphans of the Jewish persuasion," and agreed to the same without amendment ; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. M. Brooks, from the same committee, reported, that the committee had gone through the bill entitled "An act to incorporate the St. David's Benevolent Society of the cities of New-York and Brooklyn," and agreed to the same without amendment ; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. M. Brooks, from the same committee, reported progress on the bill entitled "An act to amend the act entitled 'An act more effectually to provide for common school education in the city and county of New-York,' passed May 7th, 1844," and asked for leave to sit again.

Mr. Thompson moved to refer the said bill to the committee on colleges, academies and common schools, to be reported complete.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Thompson, and it was determined in the affirmative.

Mr. M. Brooks, from the same committee, reported progress on the bill entitled "An act to incorporate the Female Moral Reform Society in the city of New-York," and asked for leave to sit again.

Mr. Bailey moved to refer the said bill to the committee on charitable and religious societies, to be reported complete.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Bailey, and it was determined in the affirmative.

Mr. M. Brooks, from the same committee, reported, that the committee had examined the bill entitled "An act to increase the tax upon foreign insurance companies doing business in the cities of New-York and Brooklyn, and for other purposes," and do recommend that the same be rejected.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

Mr. M. Brooks, from the same committee, reported progress on the bill entitled "An act for the protection of persons keeping boarding houses in the city of New-York," and asked for leave to sit again.

Mr. Bevens moved to refer the said bill to the committee on the judiciary, with instructions to report the same complete, and with such amendments as will make the bill applicable to the whole State.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Bevens, and it was determined in the affirmative.

On motion of Mr. C. F. Crosby,

The House then adjourned to nine o'clock to-morrow morning.



## THURSDAY, MAY 8, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Kennedy.

The minutes of yesterday were read and approved.

The petition of sundry inhabitants of the county of Monroe, praying for the passage of an act to compel railroad companies to fulfil their obligations to the public, was read, and referred to the committee on railroads.

The bill entitled "An act for the protection and improvement of the Seneca Indians residing on the Cattaraugus and Allegany reservations in this State;" the bill entitled "An act to incorporate the Brooklyn City Hospital;" the bill entitled "An act concerning attachments against absconding, concealed and non-resident debtors;" the bill entitled "An act for the relief of John Hutchings;" the bill entitled "An act to authorise the board of supervisors of the counties of Essex, Oneida and Dutchess to restore the distinction between county and town poor;" and the bill entitled "An act to sanction the regulation of the mayor, aldermen and commonalty of the city of New-York," were returned from the Senate.

*Ordered*, That the Clerk deliver the said bills to the Governor.

Mr. Oakley, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to repeal an act in relation to the building of a jail in the county of Hamilton," passed March 22d, 1844;" the bill entitled "An act to revive the charter of the Watertown and Rome Railroad Company;" the bill entitled "An act to authorise the elders and deacons of the Reformed Protestant Dutch Church at Marbletown in Ulster county, to sell and convey certain real estate;" the bill entitled "An act to amend an act entitled 'An act for the relief of William Dunn,' passed April 17th, 1844;" the bill entitled "An act to revive an act to provide for the construction of a railroad from Watertown in the county of Jefferson, to Cape Vincent, passed May 16th, 1836;" the bill entitled "An act to incorporate the Hydepark Fire Company;" and the bill entitled "An act to amend an act entitled 'An act to incorporate the village of Warsaw,' passed April 17th, 1843," and found the same severally correctly engrossed.

*Ordered*, That the said bills do have their third reading.

By unanimous consent,

Mr. Hine offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill from the Senate, entitled "An act relative to the preservation of game in the county of Ulster," be taken from the general orders, and ordered to a third reading.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

By unanimous consent, on motion of Mr. M. Brooks,

*Resolved*, That the bill entitled "An act to erect the town of Gilboa," be referred to a select committee to report complete.



Mr. Oakley moved to suspend the special order of "General orders of the day," until half past three o'clock this afternoon.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Oakley, and it was determined in the affirmative.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the petition of sundry inhabitants of the county of Cortland, praying for the passage of an act to abolish the office of superintendent of the poor, and to authorise a sale of the poor-house farm of said county, reported unfavorably to the prayer of the petitioners, and offered the following resolution, to wit :

*Resolved*, That the committee on the internal affairs of towns and counties be discharged from the further consideration of the petition for the abolition of the office of superintendent of the poor, and the sale of the poor-house farm of Cortland county.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the bill from the Senate, entitled "An act to incorporate the Buffalo Gaslight Company," with instructions to report the same complete, reported, that the committee had gone through the said bill, and agreed to the same without amendment ; which he was directed to report to the house.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill do have its third reading.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the bill from the Senate, entitled "An act creating a public fund or stock in the city of New-York, to be called the Croton Water Stock, and in relation to the sinking fund of said city," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

On motion of Mr. Wheeler,

*Ordered*, That the said bill do have its third reading.

Mr. Thompson, from the committee on charitable and religious societies, to which was referred the bill from the Senate, entitled "An act to repeal the several acts in relation to the State Hospital in the city of New-York," with instructions to report the same complete, reported, that the committee had gone through the said bill, and agreed to the same without amendment ; which he was directed to report to the house.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. A. C. Smith, from the committee on the manufacture of salt, asked for and obtained leave to bring in a bill, entitled "An act in relation to mineral coal transported on the Erie canal," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. C. F. Crosby, from the committee on the petitions of aliens, to which was referred the petition of sundry inhabitants of the village of Newburgh in the county of Orange, praying for the passage of a law

for the preservation of carp in the Hudson river, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. C. F. Crosby accordingly brought in the said bill, entitled "An act for the preservation of fish in the Hudson river;" which was read the first time, and by unanimous consent was also read a second time, and, on motion of Mr. C. F. Crosby, ordered to be engrossed for a third reading.

By unanimous consent, on motion of Mr. Comstock,

*Resolved*, That the bill entitled "An act to amend the law in relation to suits against foreign corporations," be referred to the committee on the judiciary, with instructions to report the same complete.

By unanimous consent,

Mr. Bevens offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill entitled "An act to authorise the supervisors of the county of Montgomery to lay a tax upon the town of Palatine," be taken from the general orders, and ordered to a third reading.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Ross, from the committee on the incorporation of cities and villages, to which was referred the petition of the mayor and common council of the city of Brooklyn, praying for an amendment of their charter, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Ross accordingly brought in the said bill, entitled "An act relative to the city of Brooklyn;" which was read the first time, and by unanimous consent was also read a second time, and, on motion of Mr. Ross, ordered to be engrossed for a third reading.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the bill entitled "An act for the protection of persons keeping boarding houses," with instructions to report the same complete, reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the bill from the Senate, entitled "An act in relation to the court of common pleas in and for the county of Warren," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

On motion of Mr. T. R. Lee,

*Ordered*, That the said bill do have its third reading.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the bill from the Senate, entitled "An act to amend an act entitled 'An act respecting the fees of surrogates,' passed May 7, 1844," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

On motion of Mr. T. R. Lee,

*Ordered*, That the said bill do have its third reading.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the bill entitled "An act to amend the Revised Statutes, relative to procuring abortions," with the amendments of the Senate thereto, reported, that the committee had examined the said amendments, and recommend that the House do concur in the same.

*Ordered,* That the said bill and amendments be laid upon the table.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the bill entitled "An act to authorise the reference of certain actions at law," with the amendments of the Senate thereto, reported, that the committee had examined the said amendments, and made an amendment thereto, and recommend that the House concur in the same.

The said amended amendments having been read,

Mr. Speaker put the question whether the House would concur with the Senate in their amendments to the said bill, as amended, and it was determined in the affirmative.

*Ordered,* That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have amended the amendments of the Senate to the said bill, and concurred in the said amended amendments, and amended the bill accordingly.

Mr. T. R. Lee, from the select committee to which was referred the bill entitled "An act to amend an act entitled 'An act in relation to the Natural History of New-York,'" with intructions to report the same complete, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Tefft, from the committee on claims, to which was referred the bill entitled "An act to amend an act entitled 'An act for the relief of Robert Gere and Philo C. Weaver,'" with the amendments of the Senate thereto, reported, that the committee had examined the said amendments, and recommend that the House concur in the same.

The said amendments having been read,

Mr. Speaker put the question whether the House would concur with the Senate in their amendments to the said bill, and it was determined in the affirmative.

*Ordered,* That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred with them in the said amendments, and amended the bill accordingly.

By unanimous consent,

Mr. C. B. Miller moved that the engrossed bill from the Senate, entitled "An act relative to school district number eleven in the town of Otselec," be ordered to a third reading.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. C. B. Miller, and it was determined in the affirmative.

*Ordered,* That Mr. Pardee have leave of absence for one day, and Mr. Brower for four days.

The engrossed bill entitled "An act to increase the number of firemen in the village of Glensfalls," was read the third time.



Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |     |   |
|---|--------|-----|---|
| { | AYES   | 103 | } |
| { | NAYS   | 01  | } |
| { | ABSENT | 24  | } |

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Gifford      | Mr. Porter          |
| Mr. Bagg         | Mr. D. Gould     | Mr. Preston         |
| Mr. Bailey       | Mr. G. Gould     | Mr. Raymond         |
| Mr. Barber       | Mr. Hammond      | Mr. Ross            |
| Mr. Betts        | Mr. Harden       | Mr. Russell         |
| Mr. Bevens       | Mr. Harris       | Mr. Sager           |
| Mr. Billings     | Mr. Hazelton     | Mr. Salisbury       |
| Mr. Blake        | Mr. Heermans     | Mr. Searing         |
| Mr. Bloss        | Mr. Hervey       | Mr. Sears           |
| Mr. Boughton     | Mr. Hine         | Mr. Sherman         |
| Mr. Bowen        | Mr. Horton       | Mr. Skelton         |
| Mr. J. Brooks    | Mr. Howard       | Mr. A. C. Smith     |
| Mr. M. Brooks    | Mr. Hunt         | Mr. W. Smith        |
| Mr. L. H. Brown  | Mr. Huntington   | Mr. Speaker         |
| Mr. S. A. Brown  | Mr. Jarvis       | Mr. J. Stevenson    |
| Mr. A. H. Buell  | Mr. Johnson      | Mr. R. L. Stevenson |
| Mr. Bunker       | Mr. Kinne        | Mr. Strobbridge     |
| Mr. Burdick      | Mr. Knapp        | Mr. Sweeney         |
| Mr. Bush         | Mr. D. Lee       | Mr. Tefft           |
| Mr. Carpenter    | Mr. Litchfield   | Mr. Thayer          |
| Mr. Casner       | Mr. M'Donald     | Mr. Thompson        |
| Mr. Chase        | Mr. M'Key        | Mr. Tibbits         |
| Mr. Collins      | Mr. M'Vean       | Mr. Titus           |
| Mr. Comstock     | Mr. Mann         | Mr. Tuthill         |
| Mr. Constant     | Mr. Mather       | Mr. Van Schoonhoven |
| Mr. C. F. Crosby | Mr. Mersereau    | Mr. Walrath         |
| Mr. Culver       | Mr. C. B. Miller | Mr. Wells           |
| Mr. Dewey        | Mr. S. Miller    | Mr. Wheeler         |
| Mr. Dickson      | Mr. Morris       | Mr. White           |
| Mr. Edwards      | Mr. Morrison     | Mr. Whitney         |
| Mr. Fenn         | Mr. Newkirk      | Mr. Wilcox          |
| Mr. Field        | Mr. Niven        | Mr. Wyckoff         |
| Mr. Fonda        | Mr. Oakley       | Mr. Wynant          |
| Mr. Frisbee      | Mr. Pierce       | Mr. A. W. Young     |
| Mr. Garretson    |                  |                     |

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For the negative,

Mr. Crain

1



And those who were absent are

|               |               |                     |
|---------------|---------------|---------------------|
| Mr. Brower    | Mr. Fellows   | Mr. Moulton         |
| Mr. T. Buel   | Mr. Gregory   | Mr. Pardee          |
| Mr. Cameron   | Mr. Hall      | Mr. Rice            |
| Mr. Coe       | Mr. Hannum    | Mr. Rogers          |
| Mr. E. Crosby | Mr. Jones     | Mr. Spring          |
| Mr. Danforth  | Mr. T. R. Lee | Mr. Van Valkenburgh |
| Mr. Dayton    | Mr. Long      | Mr. Worden          |
| Mr. De Puy    | Mr. M'Carthy  | Mr. J. Young        |

24

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act for the reorganization of the almshouse department in the city and county of New-York," was read the third time.

Debates were had thereon ; when

Mr. Bailey moved that the said bill be recommitted to the committee on the judiciary, with instructions to report the same complete, with an amendment to the effect that "the commissioner be appointed by the common council, to hold his office till May, 1846 ; and that said commissioner be elected at the next charter election, for the term of three years, by the people, and every third year thereafter, or as often as a vacancy shall occur."

Debates were again had ; when

Mr. Blake called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put ?" and it was determined in the affirmative.

Whereupon,

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Bailey, and it was determined in the affirmative.

The engrossed bill entitled "An act to repeal an act in relation to the building of a jail in the county of Hamilton, passed March 22, 1844," was read the third time.

By unanimous consent,

Mr. Newkirk moved to amend the said bill as follows, to wit :

In the fifth line of the first section, after the word "county," strike out "and," and insert "if a majority of said board of supervisors, at this or any subsequent meeting, shall be in favor of building said jail, they shall then."

And at the end of the said first section, add "said expenses not to exceed three thousand dollars." And,

" § 2. This act shall take effect immediately."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Newkirk, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to the final passage of the said bill, as amended, and it was determined in the affirmative.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

A message from the Senate was received and read, informing that they had concurred in the amendment of the Assembly to the resolution of the Senate for the appointment of a Regent of the University, so as to fix upon Saturday the tenth instant, at twelve o'clock at noon, as the time for making such appointment.

The engrossed bill entitled "An act to aid the College of Physicians and Surgeons in the city of New-York," was read the third time.

Mr. Comstock moved to refer said bill to the committee on medical societies and colleges, with instructions to report the same complete forthwith, and with an amendment as follows, to wit :

In the first section, strike out "Literature fund," and insert "income of the United States Deposit fund."

Debates were had thereon ; when

Mr. M. Brooks moved to lay the said bill, and the said motion of Mr. Comstock, upon the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. M. Brooks, and it was determined in the affirmative.

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 65 | } |
|   | NAYS   | 32 |   |
| { | ABSENT | 31 | } |

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|               |               |                     |
|---------------|---------------|---------------------|
| Mr. Bachman   | Mr. Gregory   | Mr. Porter          |
| Mr. Bagg      | Mr. Hammond   | Mr. Preston         |
| Mr. Barber    | Mr. Hannum    | Mr. Raymond         |
| Mr. Betts     | Mr. Harden    | Mr. Ross            |
| Mr. Bevens    | Mr. Hazelton  | Mr. Russell         |
| Mr. Billings  | Mr. Heermans  | Mr. Sager           |
| Mr. Bloss     | Mr. Hervey    | Mr. Salisbury       |
| Mr. Bowen     | Mr. Hine      | Mr. Searing         |
| Mr. J. Brooks | Mr. Howard    | Mr. Sherman         |
| Mr. M. Brooks | Mr. Johnson   | Mr. Skelton         |
| Mr. Burdick   | Mr. Kinne     | Mr. A. C. Smith     |
| Mr. Bush      | Mr. Knapp     | Mr. W. Smith        |
| Mr. Carpenter | Mr. D. Lee    | Mr. J. Stevenson    |
| Mr. Casner    | Mr. M'Donald  | Mr. R. L. Stevenson |
| Mr. Chase     | Mr. M'Key     | Mr. Sweeney         |
| Mr. Coe       | Mr. Mann      | Mr. Thayer          |
| Mr. Danforth  | Mr. Mersereau | Mr. Tibbits         |
| Mr. Dickson   | Mr. S. Miller | Mr. Titus           |
| Mr. Edwards   | Mr. Morris    | Mr. Walrath         |
| Mr. Fonda     | Mr. Newkirk   | Mr. White           |
| Mr. Frisbee   | Mr. Niven     | Mr. A. W. Young     |
| Mr. D. Gould  | Mr. Pierce    |                     |

Those who voted in the negative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Blake        | Mr. Harris     | Mr. Sears           |
| Mr. S. A. Brown  | Mr. Horton     | Mr. Spring          |
| Mr. Collins      | Mr. Huntington | Mr. Tefft           |
| Mr. Comstock     | Mr. Jarvis     | Mr. Thompson        |
| Mr. Constant     | Mr. Jones      | Mr. Van Schoonhoven |
| Mr. C. F. Crosby | Mr. T. R. Lee  | Mr. Wells           |
| Mr. Culver       | Mr. M'Vean     | Mr. Wheeler         |
| Mr. Field        | Mr. Mather     | Mr. Whitney         |
| Mr. Garretson    | Mr. Morrison   | Mr. Wynant          |
| Mr. Gifford      | Mr. Oakley     | Mr. J. Young        |
| Mr. G. Goold     | Mr. Rice       |                     |

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And those who were absent are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bailey      | Mr. De Puy       | Mr. Moulton         |
| Mr. Boughton    | Mr. Dewey        | Mr. Pardee          |
| Mr. Brower      | Mr. Fellows      | Mr. Rogers          |
| Mr. L. H. Brown | Mr. Fenn         | Mr. Speaker         |
| Mr. A. H. Buell | Mr. Hall         | Mr. Strobidge       |
| Mr. T. Buel     | Mr. Hunt         | Mr. Tutbill         |
| Mr. Bunker      | Mr. Litchfield   | Mr. Van Valkenburgh |
| Mr. Cameron     | Mr. Long         | Mr. Wilcox          |
| Mr. Crain       | Mr. M'Carthy     | Mr. Worden          |
| Mr. E. Crosby   | Mr. C. B. Miller | Mr. Wyckoff         |
| Mr. Dayton      |                  |                     |

31

The engrossed bill entitled "An act for the promotion of agricultural science," was read the third time.

By unanimous consent,

Mr. A. H. Buell moved to amend the said bill as follows, to wit :

In the first section, after the word "apparatus," insert "and;" and after the word "library," erase all to the end of the section, and insert "which shall be the property of the State."

Debates were had thereon ; when

Mr. Blake called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the negative.

Debates were again had ; when

Mr. T. R. Lee called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the negative.

Debates were again had ; when

Mr. Speaker put the question whether the House would agree to the said motion of Mr. A. H. Buell, and it was determined in the affirmative.

Mr. M. Brooks called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Whereupon,

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, as amended, and it was determined as follows, to wit :

|   |        |    |
|---|--------|----|
| { | AYES   | 70 |
| { | NAYS   | 27 |
| { | ABSENT | 31 |

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bagg         | Mr. Fenn         | Mr. Morrison        |
| Mr. Bailey       | Mr. Field        | Mr. Oakley          |
| Mr. Barber       | Mr. Fonda        | Mr. Preston         |
| Mr. Betts        | Mr. Frisbee      | Mr. Rice            |
| Mr. Bevens       | Mr. Garretson    | Mr. Ross            |
| Mr. Blake        | Mr. Gifford      | Mr. Salisbury       |
| Mr. Bloss        | Mr. G. Goold     | Mr. Searing         |
| Mr. Bowen        | Mr. Hannum       | Mr. Speaker         |
| Mr. J. Brooks    | Mr. Harden       | Mr. Spring          |
| Mr. M. Brooks    | Mr. Harris       | Mr. J. Stevenson    |
| Mr. L. H. Brown  | Mr. Heermans     | Mr. R. L. Stevenson |
| Mr. S. A. Brown  | Mr. Horton       | Mr. Sweeney         |
| Mr. A. H. Buell  | Mr. Jarvis       | Mr. Thayer          |
| Mr. Bush         | Mr. Johnson      | Mr. Thompson        |
| Mr. Casner       | Mr. Kinne        | Mr. Tibbits         |
| Mr. Chase        | Mr. Knapp        | Mr. Titus           |
| Mr. Coe          | Mr. D. Lee       | Mr. Van Schoonhoven |
| Mr. Constant     | Mr. M'Donald     | Mr. Wells           |
| Mr. Crain        | Mr. M'Key        | Mr. Wheeler         |
| Mr. C. F. Crosby | Mr. M'Vean       | Mr. Wilcox          |
| Mr. Culver       | Mr. Mann         | Mr. Wyckoff         |
| Mr. Dewey        | Mr. Mersereau    | Mr. Wynant          |
| Mr. Dickson      | Mr. C. B. Miller | Mr. A. W. Young     |
| Mr. Edwards      |                  |                     |

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Those who voted in the negative are

|              |                |                 |
|--------------|----------------|-----------------|
| Mr. Bachman  | Mr. Howard     | Mr. Raymond     |
| Mr. Bunker   | Mr. Hunt       | Mr. Sager       |
| Mr. Burdick  | Mr. Huntington | Mr. Sherman     |
| Mr. Comstock | Mr. Jones      | Mr. A. C. Smith |
| Mr. Danforth | Mr. T. R. Lee  | Mr. W. Smith    |
| Mr. D. Gould | Mr. Litchfield | Mr. Strobbridge |
| Mr. Hammond  | Mr. Niven      | Mr. Walrath     |
| Mr. Hazelton | Mr. Pierce     | Mr. White       |
| Mr. Hervey   | Mr. Porter     | Mr. Whitney     |

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And those who were absent are

|               |               |                     |
|---------------|---------------|---------------------|
| Mr. Billings  | Mr. Gregory   | Mr. Pardee          |
| Mr. Boughton  | Mr. Hall      | Mr. Rogers          |
| Mr. Brower    | Mr. Hine      | Mr. Russell         |
| Mr. T. Buel   | Mr. Long      | Mr. Sears           |
| Mr. Cameron   | Mr. M'Carthy  | Mr. Skelton         |
| Mr. Carpenter | Mr. Mather    | Mr. Tefft           |
| Mr. Collins   | Mr. S. Miller | Mr. Tuthill         |
| Mr. E. Crosby | Mr. Morris    | Mr. Van Valkenburgh |
| Mr. Dayton    | Mr. Moulton   | Mr. Worden          |
| Mr. De Puy    | Mr. Newkirk   | Mr. J. Young        |
| Mr. Fellows   |               |                     |

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The Chair announced the vote, and declared that the bill was passed.

Mr. Niven appealed from the decision of the Chair, on the ground that the bill required the votes of two-thirds of all the members elected to each branch of the Legislature to pass the same into a law.

Mr. Whitney moved that the question on the said appeal be laid on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Whitney, and it was determined in the negative.

Whereupon,

Mr. Speaker put the the question, "Shall the decision of the Chair stand as the judgment of the House?" and it was determined in the affirmative.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to renew an act to provide for the construction of a railroad from the village of Warwick to the New-York and Erie railroad, passed May 13, 1837, and the act amendatory, passed April 12th, 1842," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |
|---|--------|----|
| { | AYES   | 99 |
| { | NAYS   | 00 |
| { | ABSENT | 29 |

Those who voted in the affirmative are

|              |               |             |
|--------------|---------------|-------------|
| Mr. Bachman  | Mr. Garretson | Mr. Niven   |
| Mr. Bagg     | Mr. Gifford   | Mr. Oakley  |
| Mr. Barber   | Mr. D. Gould  | Mr. Pierce  |
| Mr. Betts    | Mr. G. Goold  | Mr. Raymond |
| Mr. Bevens   | Mr. Gregory   | Mr. Rice    |
| Mr. Billings | Mr. Hammond   | Mr. Ross    |
| Mr. Blake    | Mr. Hannum    | Mr. Russell |

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bloss        | Mr. Harden       | Mr. Sager           |
| Mr. Bowen        | Mr. Harris       | Mr. Salisbury       |
| Mr. J. Brooks    | Mr. Hazelton     | Mr. Searing         |
| Mr. M. Brooks    | Mr. Heermans     | Mr. Sherman         |
| Mr. L. H. Brown  | Mr. Hervey       | Mr. Skelton         |
| Mr. S. A. Brown  | Mr. Hine         | Mr. A. C. Smith     |
| Mr. Bunker       | Mr. Horton       | Mr. W. Smith        |
| Mr. Burdick      | Mr. Howard       | Mr. Speaker         |
| Mr. Bush         | Mr. Hunt         | Mr. Spring          |
| Mr. Carpenter    | Mr. Huntington   | Mr. J. Stevenson    |
| Mr. Casner       | Mr. Jarvis       | Mr. R. L. Stevenson |
| Mr. Chase        | Mr. Johnson      | Mr. Strobridge      |
| Mr. Coe          | Mr. Jones        | Mr. Sweeney         |
| Mr. Collins      | Mr. Kinne        | Mr. Tefft           |
| Mr. Comstock     | Mr. Knapp        | Mr. Thayer          |
| Mr. Constant     | Mr. D. Lee       | Mr. Thompson        |
| Mr. Crain        | Mr. T. R. Lee    | Mr. Tibbits         |
| Mr. C. F. Crosby | Mr. Litchfield   | Mr. Titus           |
| Mr. Culver       | Mr. M'Donald     | Mr. Van Schoonhoven |
| Mr. Danforth     | Mr. M'Key        | Mr. Wells           |
| Mr. Dewey        | Mr. Mather       | Mr. Wheeler         |
| Mr. Dickson      | Mr. Mersereau    | Mr. White           |
| Mr. Edwards      | Mr. C. B. Miller | Mr. Whitney         |
| Mr. Fenn         | Mr. S. Miller    | Mr. Wyckoff         |
| Mr. Field        | Mr. Morris       | Mr. Wynant          |
| Mr. Frisbee      | Mr. Morrison     | Mr. A. W. Young 99  |

And those who were absent are

|                 |              |                     |
|-----------------|--------------|---------------------|
| Mr. Bailey      | Mr. Fonda    | Mr. Preston         |
| Mr. Boughton    | Mr. Hall     | Mr. Rogers          |
| Mr. Brower      | Mr. Long     | Mr. Sears           |
| Mr. A. H. Buell | Mr. M'Carthy | Mr. Tnhill          |
| Mr. T. Buel     | Mr. M'Vean   | Mr. Van Valkenburgh |
| Mr. Cameron     | Mr. Mann     | Mr. Walrath         |
| Mr. E. Crosby   | Mr. Moulton  | Mr. Wilcox          |
| Mr. Dayton      | Mr. Newkirk  | Mr. Worden          |
| Mr. De Puy      | Mr. Pardee   | Mr. J. Young        |
| Mr. Fellows     | Mr. Porter   | 29                  |

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. Oakley, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to enable the receiver of taxes in the city of New-York, and the comptroller of the said city, to collect the taxes remaining unpaid;" and the bill entitled "An act to amend an act entitled 'An act to establish a recorder's court in the city of Utica, and for other purposes,' passed May 7th, 1844," and found the same severally correctly engrossed.

*Ordered*, That the said bills do have their third reading.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act relative to taxes and jurors in the city of New-York," and found the same correctly engrossed.

*Ordered,* That the said bill do have its third reading.

A message from the Senate, with the bills therein mentioned, was received and read, requesting the concurrence of the Assembly to the bill entitled "An act in relation to the court of common pleas and general sessions of the peace in and for the county of Kings;" to the bill entitled "An act for the relief of John H. Boyd;" to the bill entitled "An act in relation to the municipal court of the city of Brooklyn;" to the bill entitled "An act to prevent frauds in inspection in the county of Kings;" to the bill entitled "An act for the final settlement of the accounts of John R. Brodhead, agent for procuring colonial documents;" to the bill entitled "An act to incorporate the New-York Gallery of the Fine Arts;" to the bill entitled "An act to amend an act entitled 'An act to provide for the appointment of a police justice in the village of Oswego,' passed April 29th, 1834;" to the bill entitled "An act to provide for building a bridge across the Esopus creek in the town of Marbletown, county of Ulster, at or near the house of Jacob B. Davis;" to the bill entitled "An act for the relief of Thomas J. Gilbert;" to the bill entitled "An act to incorporate the German Luthern Missionary Society of New-York;" and to the bill entitled "An act for the relief of Samuel S. Riddle, Constant Cook, John Magee and Horatio R. Riddle."

The said bills were severally read the first time, and by unanimous consent were also read a second time, and the bill entitled "An act in relation to the court of common pleas and general sessions of the peace in and for the county of Kings," was referred to the committee on the judiciary; the bill entitled "An act for the relief of John H. Boyd," was referred to the committee on canals; the bill entitled "An act in relation to the municipal court of the city of Brooklyn," was referred to the committee on the judiciary; the bill entitled "An act to prevent frauds in inspection in the county of Kings," was referred to the committee on trade and manufactures; the bill entitled "An act for the final settlement of the accounts of John R. Brodhead, agent for procuring colonial documents," was referred to the joint library committee; the bill entitled "An act to incorporate the New-York Gallery of Fine Arts," on motion of Mr. Wheeler, was ordered to a third reading; the bill entitled "An act to amend an act entitled 'An act to provide for the appointment of a police justice in the village of Oswego,' passed April 29th, 1844," was referred to the committee on the judiciary; the bill entitled "An act to provide for building a bridge across the Esopus creek in the town of Marbletown, county of Ulster, at or near the house of Jacob B. Davis," on motion of Mr. Hine, was ordered to a third reading; the bill entitled "An act for the relief of Thomas J. Gilbert," was referred to the committee on claims; the bill entitled "An act to incorporate the German Luthern Missionary Society of New-York," was referred to the committee on charitable and religious societies; and the bill entitled

"An act for the relief of Samuel S. Riddle, Constant Cook, John Magee and Horatio R. Riddle," was referred to the committee on claims.

A message from the Senate, with the bill and amendments therein mentioned, was received and read, informing that the Senate had concurred in the amendments of the Assembly to the bill entitled "An act to reduce the number of town officers and town and county expenses, and to prevent abuses in auditing town and county accounts," with the exception of the fourth and nineteenth amendments, which they had non-concurred in.

The said amendments having been read,

Mr. Bevens moved that the House do recede from their said amendments non-concurred in by the Senate.

Debates were had thereon; when

Mr. M. Brooks called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Whereupon,

Mr. Speaker put the question whether the House would recede from the fourth and nineteenth amendments to the said bill, non-concurred in by the Senate, and it was determined in the affirmative.

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 56 | } |
|   | NAYS   | 41 |   |
|   | ABSENT | 31 | } |

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bagg        | Mr. Gifford      | Mr. Preston         |
| Mr. Barber      | Mr. Hannum       | Mr. Ross            |
| Mr. Betts       | Mr. Harden       | Mr. Sager           |
| Mr. Bevens      | Mr. Harris       | Mr. Salisbury       |
| Mr. Billings    | Mr. Heermans     | Mr. Searing         |
| Mr. Boughton    | Mr. Hervey       | Mr. W. Smith        |
| Mr. J. Brooks   | Mr. Hine         | Mr. Speaker         |
| Mr. M. Brooks   | Mr. Howard       | Mr. J. Stevenson    |
| Mr. S. A. Brown | Mr. Hunt         | Mr. R. L. Stevenson |
| Mr. Bunker      | Mr. Jarvis       | Mr. Strobbridge     |
| Mr. Burdick     | Mr. Johnson      | Mr. Tefft           |
| Mr. Bush        | Mr. D. Lee       | Mr. Thayer          |
| Mr. Chase       | Mr. T. R. Lee    | Mr. Tibbits         |
| Mr. Collins     | Mr. Litchfield   | Mr. Titus           |
| Mr. Comstock    | Mr. Mann         | Mr. Van Schoonhoven |
| Mr. Culver      | Mr. Mather       | Mr. Wheeler         |
| Mr. Edwards     | Mr. C. B. Miller | Mr. Wyckoff         |
| Mr. Fonda       | Mr. Newkirk      | Mr. Wynant          |
| Mr. Frisbee     | Mr. Pierce       |                     |



Those who voted in the negative are

|                  |               |                 |
|------------------|---------------|-----------------|
| Mr. Bailey       | Mr. Garretson | Mr. Niven       |
| Mr. Blake        | Mr. D. Gould  | Mr. Raymond     |
| Mr. Bloss        | Mr. G. Gould  | Mr. Rice        |
| Mr. Bowen        | Mr. Gregory   | Mr. Russell     |
| Mr. L. H. Brown  | Mr. Hammond   | Mr. Skelton     |
| Mr. Carpenter    | Mr. Hazelton  | Mr. A. C. Smith |
| Mr. Coc          | Mr. Horton    | Mr. Spring      |
| Mr. Crain        | Mr. Kinne     | Mr. Sweeney     |
| Mr. C. F. Crosby | Mr. Knapp     | Mr. Walrath     |
| Mr. Danforth     | Mr. M'Donald  | Mr. Wells       |
| Mr. Dewey        | Mr. M'Key     | Mr. White       |
| Mr. Dickson      | Mr. Mersereau | Mr. Whitney     |
| Mr. Fenn         | Mr. S. Miller | Mr. A. W. Young |
| Mr. Field        | Mr. Morris    |                 |

41

And those who were absent are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Bachman     | Mr. Hall       | Mr. Porter          |
| Mr. Brower      | Mr. Huntington | Mr. Rogers          |
| Mr. A. H. Buell | Mr. Jones      | Mr. Sears           |
| Mr. T. Buel     | Mr. Long       | Mr. Sherman         |
| Mr. Cameron     | Mr. M'Carthy   | Mr. Thompson        |
| Mr. Casner      | Mr. M'Vean     | Mr. Tutthill        |
| Mr. Constant    | Mr. Morrison   | Mr. Van Valkenburgh |
| Mr. E. Crosby   | Mr. Moulton    | Mr. Wilcox          |
| Mr. Dayton      | Mr. Oakley     | Mr. Worden          |
| Mr. De Puy      | Mr. Pardee     | Mr. J. Young        |
| Mr. Fellows     |                |                     |

31

*Ordered,* That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have receded from their amendments non-concurred in by the Senate.

By unanimous consent,

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the bill entitled "An act for the reorganization of the almshouse department in the city and county of New-York," with instructions to report the same complete, reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which he was directed to report to the house.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

Whereupon,

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, as amended, and it was determined in the negative; less than two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit:

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 72 | } |
| { | NAYS   | 25 | } |
| { | ABSENT | 31 | } |

## Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Gifford      | Mr. Preston         |
| Mr. Bagg         | Mr. D. Gould     | Mr. Ross            |
| Mr. Bailey       | Mr. G. Goold     | Mr. Russell         |
| Mr. Betts        | Mr. Gregory      | Mr. Sager           |
| Mr. Bevens       | Mr. Harden       | Mr. Searing         |
| Mr. Billings     | Mr. Hazelton     | Mr. Skelton         |
| Mr. Blake        | Mr. Hervey       | Mr. A. C. Smith     |
| Mr. Boughton     | Mr. Hine         | Mr. W. Smith        |
| Mr. M. Brooks    | Mr. Howard       | Mr. Speaker         |
| Mr. L. H. Brown  | Mr. Jarvis       | Mr. Spring          |
| Mr. S. A. Brown  | Mr. Kinne        | Mr. J. Stevenson    |
| Mr. A. H. Buell  | Mr. Knapp        | Mr. R. L. Stevenson |
| Mr. Bunker       | Mr. D. Lee       | Mr. Strobbridge     |
| Mr. Burdick      | Mr. T. R. Lee    | Mr. Sweeney         |
| Mr. Carpenter    | Mr. M'Donald     | Mr. Tefft           |
| Mr. Chase        | Mr. Mather       | Mr. Thayer          |
| Mr. Coe          | Mr. Mersereau    | Mr. Thompson        |
| Mr. Crain        | Mr. C. B. Miller | Mr. Titus           |
| Mr. C. F. Crosby | Mr. S. Miller    | Mr. Van Schoonhoven |
| Mr. Dickson      | Mr. Morris       | Mr. Walrath         |
| Mr. Fenn         | Mr. Newkirk      | Mr. Wheeler         |
| Mr. Field        | Mr. Niven        | Mr. Wyckoff         |
| Mr. Fonda        | Mr. Oakley       | Mr. Wynant          |
| Mr. Garielston   | Mr. Pierce       | Mr. A. W. Young 72  |

## Those who voted in the negative are

|               |                |               |
|---------------|----------------|---------------|
| Mr. Barber    | Mr. Frisbee    | Mr. Mann      |
| Mr. Bloss     | Mr. Hammond    | Mr. Raymond   |
| Mr. Bowen     | Mr. Hannum     | Mr. Rice      |
| Mr. J. Brooks | Mr. Harris     | Mr. Salisbury |
| Mr. Bush      | Mr. Horton     | Mr. Sherman   |
| Mr. Casner    | Mr. Hunt       | Mr. Tibbits   |
| Mr. Collins   | Mr. Johnson    | Mr. Wells     |
| Mr. Danforth  | Mr. Litchfield | Mr. White     |
| Mr. Edwards   |                |               |

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## And those who were absent are

|               |                |                     |
|---------------|----------------|---------------------|
| Mr. Brower    | Mr. Hall       | Mr. Pardee          |
| Mr. T. Buel   | Mr. Heermans   | Mr. Porter          |
| Mr. Cameron   | Mr. Huntington | Mr. Rogers          |
| Mr. Comstock  | Mr. Jones      | Mr. Sears           |
| Mr. Constant  | Mr. Long       | Mr. Tuthill         |
| Mr. E. Crosby | Mr. M'Carthy   | Mr. Van Valkenburgh |
| Mr. Culver    | Mr. M'Key      | Mr. Whitney         |
| Mr. Dayton    | Mr. M'Vean     | Mr. Wilcox          |
| Mr. De Puy    | Mr. Morrison   | Mr. Worden          |
| Mr. Dewey     | Mr. Moulton    | Mr. J. Young        |
| Mr. Fellows   |                |                     |

31

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act for the relief of Evert Yates," with the amendments therewith delivered.

The said amendments having been read,

Mr. Niven moved that the House do concur therein.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Niven, and it was determined in the affirmative.

*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred with them in the said amendments, and amended the bill accordingly.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act for the relief of Mary Murray and others," with the amendments therewith delivered.

The said amendments having been read,

Mr. Chase moved that the House concur therein.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Chase, and it was determined in the affirmative.

*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred in the said amendments, and amended the bill accordingly.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act for the relief of Abel Chandler," with the amendments therewith delivered.

The said amendments having been read,

Mr. Chase moved that the House concur therein.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Chase, and it was determined in the affirmative.

*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred with them in the said amendments, and amended the bill accordingly.

By unanimous consent,

Mr. Ross offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That the bill entitled "An act to aid the College of Physicians and Surgeons in the city of New-York," be recommitted to the committee on medical societies and colleges, with instructions to alter and amend the bill, so as to appropriate one thousand dollars annually from the monies appropriated by the Legislature to the medical department of the University of the city of New-York.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

The bill entitled "An act to incorporate the American Atlantic Steam Navigation Company," was returned from the Senate.

*Ordered*, That the Clerk deliver the said bill to the Governor.

A message from the Senate, with the bills therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act authorising the Surveyor General to release to the supervisor of the town of Oswegatchie a certain lot of land in said town;" the bill entitled "An act for the relief of James D. Treat," and the bill en-

titled "An act for the relief of Hiram Chapman and others," severally without amendment.

*Ordered*, That the Clerk deliver the said bills to the Governor.

Mr. Carpenter, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act for the protection of persons keeping boarding houses," and the bill entitled "An act to provide for the compensation of jurors in the city of New-York," and found the same severally correctly engrossed.

*Ordered*, That the said bills do have their third reading.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act to amend an act vesting certain powers in the freeholders and inhabitants of the village of Waterford, passed March 28th, 1805," with the amendments therewith delivered.

The said amendments having been read,

*Ordered*, That the bill and amendments be referred to a select committee, consisting of the members attending this house from the county of Saratoga, with instructions to report the same complete.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act to condense and amend the several acts relating to the village of Geneseo," with the amendments therewith delivered.

The said amendments having been read,

*Ordered*, That the bill and amendments be referred to a select committee, consisting of the members attending this house from the county of Livingston.

A message from the Senate was received and read, informing that they had rejected the bill therewith returned, entitled "An act to authorise the rector, churchwardens and vestrymen of Christ Church in the town of Rye in the county of Westchester, to sell and convey certain real estate."

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act to amend an act to incorporate the village of Chittenango, passed March 15th, 1842," with the amendments therewith delivered.

The said amendments having been read,

*Ordered*, That the bill and amendments be referred to a select committee, consisting of the members attending this house from the county of Madison.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to amend an act entitled 'An act in relation to the Natural History of New-York,'" and found the same correctly engrossed.

*Ordered*, That the said bill do have its third reading.

A message from the Governor was received and read, in the words following, to wit :



EXECUTIVE CHAMBER, }  
*Albany, May 7, 1845.* }

TO THE ASSEMBLY.

I have this day approved and signed the bill entitled "An act to authorise the common council of the city of Buffalo to borrow money, and for other purposes."

And the bill entitled "An act to extend the docks in the city of Albany, south of Hamilton-street."

SILAS WRIGHT.

A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
*Albany, May 8, 1845.* }

TO THE ASSEMBLY.

I have this day approved and signed the bill entitled "An act for the protection and improvement of the Seneca Indians residing on the Cattaraugus and Allegany reservations in this State."

The bill entitled "An act in relation to Thirtythird-street in the city of New-York."

The bill entitled "An act for the relief of John Hutchings."

The bill entitled "An act concerning attachments against absconding, concealed and non-resident debtors."

The bill entitled "An act to incorporate the Brooklyn City Hospital."

The bill entitled "An act to authorise the board of supervisors of the counties of Essex, Oneida and Dutchess to restore the distinction between county and town poor."

SILAS WRIGHT.

The report of the Canal Commissioners, on the petition of sundry inhabitants of the village of Havana in the county of Chemung, was received, read, and referred to a select committee, consisting of the members attending this house from the county of Chemung.

[See Document No. 246.]

*Ordered*, That Mr. Wells have leave of absence for the remainder of the session.

The hour of half past one o'clock having arrived,

The House took a recess until half past three o'clock this afternoon.

---

HALF PAST THREE O'CLOCK P. M.

The House again met.

The bill entitled "An act for the relief of Abel Chandler," and the bill entitled "An act for the relief of Mary Murray and others," were returned from the Senate.

*Ordered*, That the Clerk deliver the said bills to the Governor.

By unanimous consent,

Mr. Walrath, from the select committee to which was referred the bill entitled "An act to amend an act to incorporate the village of Chittenango, passed March 15, 1842," with the amendments of the Senate thereto, reported, that the committee had examined said amendments, and recommend that the House do concur in the same.

The said amendments having been read,

Mr. Speaker put the question whether the House would concur with the Senate in their amendments to the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |
|---|--------|----|
| { | AYES   | 88 |
|   | NAYS   | 00 |
| } | ABSENT | 40 |

Those who voted in the affirmative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. Gifford      | Mr. Porter          |
| Mr. Bagg        | Mr. D. Gould     | Mr. Preston         |
| Mr. Bailey      | Mr. Gregory      | Mr. Raymond         |
| Mr. Barber      | Mr. Hammond      | Mr. Rice            |
| Mr. Betts       | Mr. Harden       | Mr. Ross            |
| Mr. Bevens      | Mr. Harris       | Mr. Sager           |
| Mr. Billings    | Mr. Hazelton     | Mr. Searing         |
| Mr. Bowen       | Mr. Heermans     | Mr. Sears           |
| Mr. J. Brooks   | Mr. Hervey       | Mr. Skelton         |
| Mr. M. Brooks   | Mr. Hine         | Mr. A. C. Smith     |
| Mr. L. H. Brown | Mr. Huntington   | Mr. W. Smith        |
| Mr. S. A. Brown | Mr. Jarvis       | Mr. Speaker         |
| Mr. A. H. Buell | Mr. Johnson      | Mr. Spring          |
| Mr. Bunker      | Mr. Kinne        | Mr. J. Stevenson    |
| Mr. Burdick     | Mr. Knapp        | Mr. Strobridge      |
| Mr. Casner      | Mr. D. Lee       | Mr. Sweeney         |
| Mr. Chase       | Mr. T. R. Lee    | Mr. Tefft           |
| Mr. Coe         | Mr. Litchfield   | Mr. Thayer          |
| Mr. Collins     | Mr. M'Donald     | Mr. Tibbits         |
| Mr. Comstock    | Mr. M'Key        | Mr. Titus           |
| Mr. Constant    | Mr. M'Vean       | Mr. Tuthill         |
| Mr. Crain       | Mr. Mather       | Mr. Van Schoonhoven |
| Mr. Culver      | Mr. Mersereau    | Mr. Walrath         |
| Mr. Danforth    | Mr. C. B. Miller | Mr. Wheeler         |
| Mr. Dewey       | Mr. S. Miller    | Mr. Whitney         |
| Mr. Edwards     | Mr. Morris       | Mr. Wilcox          |
| Mr. Fenn        | Mr. Morrison     | Mr. Wyckoff         |
| Mr. Field       | Mr. Newkirk      | Mr. Wynant          |
| Mr. Fonda       | Mr. Niven        | Mr. J. Young        |
| Mr. Frisbee     |                  |                     |

And those who were absent are

|                  |               |                     |
|------------------|---------------|---------------------|
| Mr. Blake        | Mr. Garretson | Mr. Pardee          |
| Mr. Bloss        | Mr. G. Goold  | Mr. Pierce          |
| Mr. Boughton     | Mr. Hall      | Mr. Rogers          |
| Mr. Brower       | Mr. Hannum    | Mr. Russell         |
| Mr. T. Buel      | Mr. Horton    | Mr. Salisbury       |
| Mr. Bush         | Mr. Howard    | Mr. Sherman         |
| Mr. Cameron      | Mr. Hunt      | Mr. R. L. Stevenson |
| Mr. Carpenter    | Mr. Jones     | Mr. Thompson        |
| Mr. C. F. Crosby | Mr. Long      | Mr. Van Valkenburgh |
| Mr. E. Crosby    | Mr. M'Carthy  | Mr. Wells           |
| Mr. Dayton       | Mr. Mann      | Mr. White           |
| Mr. De Puy       | Mr. Moulton   | Mr. Worden          |
| Mr. Dickson      | Mr. Oakley    | Mr. A. W. Young     |
| Mr. Fellows      |               |                     |

40

*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred with them in the said amendments, and amended the bill accordingly.

Mr. Comstock moved to pass over the special order consisting of the "General orders of the day."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Comstock, and it was determined in the affirmative.

The engrossed bill entitled "An act to enable the receiver of taxes in the city of New-York, and the comptroller of the said city, to collect the taxes remaining unpaid," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 91 | } |
| { | NAYS   | 00 | } |
| { | ABSENT | 37 | } |

Those who voted in the affirmative are

|                 |                |                 |
|-----------------|----------------|-----------------|
| Mr. Bachman     | Mr. D. Gould   | Mr. Preston     |
| Mr. Bagg        | Mr. Gregory    | Mr. Raymond     |
| Mr. Barber      | Mr. Hammond    | Mr. Rice        |
| Mr. Betts       | Mr. Hannum     | Mr. Ross        |
| Mr. Bevins      | Mr. Harris     | Mr. Russell     |
| Mr. Billings    | Mr. Hazelton   | Mr. Sager       |
| Mr. Bowen       | Mr. Heermans   | Mr. Searing     |
| Mr. J. Brooks   | Mr. Hervey     | Mr. Sears       |
| Mr. M. Brooks   | Mr. Hine       | Mr. Skelton     |
| Mr. S. A. Brown | Mr. Hunt       | Mr. A. C. Smith |
| Mr. Bunker      | Mr. Huntington | Mr. W. Smith    |
| Mr. Burdick     | Mr. Jarvis     | Mr. Speaker     |

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bush         | Mr. Johnson      | Mr. Spring          |
| Mr. Carpenter    | Mr. Kinne        | Mr. J. Stevenson    |
| Mr. Casner       | Mr. Knapp        | Mr. R. L. Stevenson |
| Mr. Chase        | Mr. Litchfield   | Mr. Strobbridge     |
| Mr. Coe          | Mr. M'Donald     | Mr. Sweeney         |
| Mr. Collins      | Mr. M'Key        | Mr. Thayer          |
| Mr. Comstock     | Mr. M'Vean       | Mr. Thompson        |
| Mr. Constant     | Mr. Mann         | Mr. Tibbits         |
| Mr. Crain        | Mr. Mather       | Mr. Titus           |
| Mr. C. F. Crosby | Mr. Mersereau    | Mr. Tuthill         |
| Mr. Culver       | Mr. C. B. Miller | Mr. Van Schoonhoven |
| Mr. Danforth     | Mr. S. Miller    | Mr. Walrath         |
| Mr. Dewey        | Mr. Morris       | Mr. Wheeler         |
| Mr. Edwards      | Mr. Morrison     | Mr. Wilcox          |
| Mr. Fenn         | Mr. Niven        | Mr. Wyckoff         |
| Mr. Field        | Mr. Oakley       | Mr. Wynant          |
| Mr. Fonda        | Mr. Pierce       | Mr. A. W. Young     |
| Mr. Frisbee      | Mr. Porter       | Mr. J. Young        |
| Mr. Gifford      |                  |                     |

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And those who were absent are

|                 |               |                     |
|-----------------|---------------|---------------------|
| Mr. Bailey      | Mr. Fellows   | Mr. Moulton         |
| Mr. Blake       | Mr. Garretson | Mr. Newkirk         |
| Mr. Bloss       | Mr. G. Goold  | Mr. Pardee          |
| Mr. Boughton    | Mr. Hall      | Mr. Rogers          |
| Mr. Brower      | Mr. Harden    | Mr. Salisbury       |
| Mr. L. H. Brown | Mr. Horton    | Mr. Sherman         |
| Mr. A. H. Buell | Mr. Howard    | Mr. Tefft           |
| Mr. T. Buel     | Mr. Jones     | Mr. Van Valkenburgh |
| Mr. Cameron     | Mr. D. Lee    | Mr. Wells           |
| Mr. E. Crosby   | Mr. T. R. Lee | Mr. White           |
| Mr. Dayton      | Mr. Long      | Mr. Whitney         |
| Mr. De Puy      | Mr. M'Carthy  | Mr. Worden          |
| Mr. Dickson     |               |                     |

37

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

By unanimous consent,

Mr. J. Young, from the select committee to which was referred the bill entitled "An act to condense and amend the several acts relating to the village of Geneseo," with the amendments of the Senate thereto, reported, that the committee had examined the said amendments, and recommend that the House concur in the same.

The said amendments having been read,

Mr. Speaker put the question whether the House would concur with the Senate in their amendments to the said bill, and it was determined in the affirmative.

*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred with them in the said amendments, and amended the bill accordingly.



Mr. Wheeler moved that the House reconsider the vote on the final passage of the bill entitled "An act for the reorganization of the almshouse department in the city and county of New-York."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Wheeler, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 94 | } |
| { | NAYS   | 04 | } |
| { | ABSENT | 30 | } |

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. G. Goold     | Mr. Pierce          |
| Mr. Bagg         | Mr. Gregory      | Mr. Porter          |
| Mr. Barber       | Mr. Hammond      | Mr. Preston         |
| Mr. Bevens       | Mr. Hannum       | Mr. Raymond         |
| Mr. Billings     | Mr. Harden       | Mr. Rice            |
| Mr. Blake        | Mr. Harris       | Mr. Ross            |
| Mr. Bloss        | Mr. Hazelton     | Mr. Russell         |
| Mr. Bowen        | Mr. Heermans     | Mr. Sager           |
| Mr. J. Brooks    | Mr. Hervey       | Mr. Searing         |
| Mr. M. Brooks    | Mr. Hine         | Mr. Sears           |
| Mr. L. H. Brown  | Mr. Horton       | Mr. Skelton         |
| Mr. S. A. Brown  | Mr. Huntington   | Mr. A. C. Smith     |
| Mr. Bunker       | Mr. Jarvis       | Mr. W. Smith        |
| Mr. Burdick      | Mr. Johnson      | Mr. Speaker         |
| Mr. Bush         | Mr. Jozes        | Mr. Spring          |
| Mr. Carpenter    | Mr. Kinne        | Mr. J. Stevenson    |
| Mr. Chase        | Mr. Knapp        | Mr. R. L. Stevenson |
| Mr. Coe          | Mr. D. Lee       | Mr. Strobridge      |
| Mr. Collins      | Mr. T. R. Lee    | Mr. Sweeney         |
| Mr. Comstock     | Mr. Litchfield   | Mr. Thayer          |
| Mr. Crain        | Mr. M'Donald     | Mr. Tibbits         |
| Mr. C. F. Crosby | Mr. M'Vean       | Mr. Tuthill         |
| Mr. Culver       | Mr. Mather       | Mr. Van Schoonhoven |
| Mr. Dewey        | Mr. Mersereau    | Mr. Walrath         |
| Mr. Dickson      | Mr. C. B. Miller | Mr. Wells           |
| Mr. Edwards      | Mr. S. Miller    | Mr. Wheeler         |
| Mr. Fenn         | Mr. Morris       | Mr. Whitney         |
| Mr. Field        | Mr. Morrison     | Mr. Wyckoff         |
| Mr. Fonda        | Mr. Newkirk      | Mr. Wynant          |
| Mr. Garretson    | Mr. Niven        | Mr. A. W. Young     |
| Mr. Gifford      | Mr. Oakley       | Mr. J. Young        |
| Mr. D. Gould     |                  |                     |

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Those who voted in the negative are

|            |              |          |
|------------|--------------|----------|
| Mr. Betts  | Mr. Danforth | Mr. Mann |
| Mr. Casner |              |          |

4

And those who were absent are

|                 |              |                     |
|-----------------|--------------|---------------------|
| Mr. Bailey      | Mr. Fellows  | Mr. Rogers          |
| Mr. Boughton    | Mr. Frisbee  | Mr. Salisbury       |
| Mr. Brower      | Mr. Hall     | Mr. Sherman         |
| Mr. A. H. Buell | Mr. Howard   | Mr. Tefft           |
| Mr. T. Buel     | Mr. Hunt     | Mr. Thompson        |
| Mr. Cameron     | Mr. Long     | Mr. Titus           |
| Mr. Constant    | Mr. M'Carthy | Mr. Van Valkenburgh |
| Mr. E. Crosby   | Mr. M'Key    | Mr. White           |
| Mr. Dayton      | Mr. Moulton  | Mr. Wilcox          |
| Mr. De Puy      | Mr. Pardee   | Mr. Worden 30       |

By unanimous consent,

Mr. Wheeler moved to amend the said bill as follows, to wit :

At the end of the first section, insert : "At the next charter election for the city of New-York, and annually thereafter, such officer, with the like powers and authority, shall be chosen by the electors of the city of New-York ; and he shall receive a salary not less than two thousand dollars a year, to be fixed and paid by the common council, in full compensation for his services. Before entering on the duties of his office, he shall execute a bond, with two sureties, to be approved by and delivered to the mayor, in the sum of twenty thousand dollars, for the faithful discharge of his office. He shall account to the common council quarterly, or oftener if required ; and any fraud or embezzlement committed by such commissioner shall be liable to indictment and punishment as felony."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Wheeler, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to the final passage of the said bill, as amended, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 94 | } |
| { | NAYS   | 04 | } |
| { | ABSENT | 30 | } |

Those who voted in the affirmative are

|              |              |             |
|--------------|--------------|-------------|
| Mr. Bachman  | Mr. D. Gould | Mr. Porter  |
| Mr. Bagg     | Mr. G. Goold | Mr. Preston |
| Mr. Bailey   | Mr. Gregory  | Mr. Raymond |
| Mr. Barber   | Mr. Hammond  | Mr. Rice    |
| Mr. Betts    | Mr. Hannum   | Mr. Ross    |
| Mr. Bevens   | Mr. Harden   | Mr. Russell |
| Mr. Billings | Mr. Harris   | Mr. Sager   |
| Mr. Blake    | Mr. Hazelton | Mr. Searing |
| Mr. Bloss    | Mr. Heermans | Mr. Sears   |
| Mr. Boughton | Mr. Hervey   | Mr. Skelton |

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bowen        | Mr. Hine         | Mr. A. C. Smith     |
| Mr. J. Brooks    | Mr. Horton       | Mr. W. Smith        |
| Mr. M. Brooks    | Mr. Huntington   | Mr. Speaker         |
| Mr. S. A. Brown  | Mr. Jarvis       | Mr. Spring          |
| Mr. Bunker       | Mr. Johnson      | Mr. J. Stevenson    |
| Mr. Burdick      | Mr. Jones        | Mr. R. L. Stevenson |
| Mr. Bush         | Mr. Kinne        | Mr. Sweeney         |
| Mr. Carpenter    | Mr. Knapp        | Mr. Thayer          |
| Mr. Chase        | Mr. T. R. Lee    | Mr. Tibbits         |
| Mr. Coe          | Mr. Litchfield   | Mr. Titus           |
| Mr. Collins      | Mr. M'Donald     | Mr. Tnithill        |
| Mr. Comstock     | Mr. M'Vean       | Mr. Van Schoonhoven |
| Mr. Crain        | Mr. Mather       | Mr. Walrath         |
| Mr. C. F. Crosby | Mr. Mersereau    | Mr. Wells           |
| Mr. Culver       | Mr. C. B. Miller | Mr. Wheeler         |
| Mr. Dewey        | Mr. S. Miller    | Mr. Whitney         |
| Mr. Dickson      | Mr. Morris       | Mr. Wilcox          |
| Mr. Fenn         | Mr. Morrison     | Mr. Wyckoff         |
| Mr. Field        | Mr. Niven        | Mr. Wynant          |
| Mr. Fonda        | Mr. Oakley       | Mr. A. W. Young     |
| Mr. Garretson    | Mr. Pierce       | Mr. J. Young        |
| Mr. Gifford      |                  |                     |

94

Those who voted in the negative are

|              |          |             |
|--------------|----------|-------------|
| Mr. Danforth | Mr. Mann | Mr. Sherman |
| Mr. Edwards  |          |             |

4

And those who were absent are

|                 |              |                     |
|-----------------|--------------|---------------------|
| Mr. Brower      | Mr. Fellows  | Mr. Newkirk         |
| Mr. L. H. Brown | Mr. Frisbee  | Mr. Pardee          |
| Mr. A. H. Buell | Mr. Hall     | Mr. Rogers          |
| Mr. T. Buel     | Mr. Howard   | Mr. Salisbury       |
| Mr. Cameron     | Mr. Hunt     | Mr. Strobbridge     |
| Mr. Casner      | Mr. D. Lee   | Mr. Tefft           |
| Mr. Constant    | Mr. Long     | Mr. Thompson        |
| Mr. E. Crosby   | Mr. M'Carthy | Mr. Van Valkenburgh |
| Mr. Dayton      | Mr. M'Key    | Mr. White           |
| Mr. De Puy      | Mr. Moulton  | Mr. Worden          |

30

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

By unanimous consent, on motion of Mr. Barber,

*Resolved*, That the bill entitled "An act in relation to the district attorney of the county of Cortland," be referred to a select committee, consisting of the members attending this house from the said county, with instructions to report the bill complete.

The engrossed bill entitled "An act to amend an act entitled 'An act to establish a recorder's court in the city of Utica, and for other purposes,' passed May 7th, 1844," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill entitled "An act to authorise the elders and deacons of the Reformed Protestant Dutch Church at Marbletown in Ulster county, to sell and convey certain real estate," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bills to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act in relation to the interment of the dead in the village of Williamsburgh," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 96 | } |
| { | NAYS   | 01 | } |
| { | ABSENT | 31 | } |

Those who voted in the affirmative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Bachman      | Mr. Gregory    | Mr. Raymond         |
| Mr. Bagg         | Mr. Hammond    | Mr. Rice            |
| Mr. Barber       | Mr. Hannum     | Mr. Ross            |
| Mr. Betts        | Mr. Harden     | Mr. Russell         |
| Mr. Bevins       | Mr. Harris     | Mr. Sager           |
| Mr. Billings     | Mr. Hazelton   | Mr. Searing         |
| Mr. Blake        | Mr. Hervey     | Mr. Sears           |
| Mr. Bloss        | Mr. Hine       | Mr. Sherman         |
| Mr. Bowen        | Mr. Horton     | Mr. Skelton         |
| Mr. J. Brooks    | Mr. Howard     | Mr. A. C. Smith     |
| Mr. L. H. Brown  | Mr. Hunt       | Mr. W. Smith        |
| Mr. Bunker       | Mr. Huntington | Mr. Speaker         |
| Mr. Burdick      | Mr. Jarvis     | Mr. Spring          |
| Mr. Bush         | Mr. Johnson    | Mr. J. Stevenson    |
| Mr. Carpenter    | Mr. Jones      | Mr. R. L. Stevenson |
| Mr. Chase        | Mr. Kinne      | Mr. Strobridge      |
| Mr. Collins      | Mr. D. Lee     | Mr. Sweeney         |
| Mr. Comstock     | Mr. Litchfield | Mr. Thayer          |
| Mr. C. F. Crosby | Mr. M'Donald   | Mr. Thompson        |
| Mr. Culver       | Mr. M'Key      | Mr. Tibbits         |
| Mr. Danforth     | Mr. M'Vean     | Mr. Titus           |
| Mr. Dewey        | Mr. Mather     | Mr. Tuthill         |
| Mr. Dickson      | Mr. Mersereau  | Mr. Van Schoonhoven |
| Mr. Edwards      | Mr. S. Miller  | Mr. Walrath         |
| Mr. Fenn         | Mr. Morris     | Mr. Wheeler         |
| Mr. Field        | Mr. Morrison   | Mr. White           |
| Mr. Fonda        | Mr. Newkirk    | Mr. Whitney         |
| Mr. Frisbee      | Mr. Niven      | Mr. Wilcox          |
| Mr. Garretson    | Mr. Oakley     | Mr. Wyckoff         |
| Mr. Gifford      | Mr. Pierce     | Mr. Wynant          |
| Mr. D. Gould     | Mr. Porter     | Mr. A. W. Young     |
| Mr. G. Goold     | Mr. Preston    | Mr. J. Young        |



For the negative,

Mr. Boughton

1

And those who were absent are

|                 |               |                     |
|-----------------|---------------|---------------------|
| Mr. Bailey      | Mr. E. Crosby | Mr. Mann            |
| Mr. M. Brooks   | Mr. Dayton    | Mr. C. B. Miller    |
| Mr. Brower      | Mr. De Puy    | Mr. Moulton         |
| Mr. S. A. Brown | Mr. Fellows   | Mr. Pardee          |
| Mr. A. H. Buell | Mr. Hall      | Mr. Rogers          |
| Mr. T. Buel     | Mr. Heermans  | Mr. Salisbury       |
| Mr. Cameron     | Mr. Knapp     | Mr. Tefft           |
| Mr. Casner      | Mr. T. R. Lee | Mr. Van Valkenburgh |
| Mr. Coe         | Mr. Long      | Mr. Wells           |
| Mr. Constant    | Mr. M'Carthy  | Mr. Worden          |
| Mr. Crain       |               |                     |

31

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to incorporate the Shamrock Benevolent Association of the city of Troy," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |
|---|--------|----|
| { | AYES   | 91 |
| { | NAYS   | 00 |
| { | ABSENT | 37 |

Those who voted in the affirmative are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Bachman     | Mr. D. Gould   | Mr. Porter          |
| Mr. Bagg        | Mr. G. Goold   | Mr. Preston         |
| Mr. Barber      | Mr. Gregory    | Mr. Raymond         |
| Mr. Betts       | Mr. Hammond    | Mr. Rice            |
| Mr. Bevens      | Mr. Hannum     | Mr. Ross            |
| Mr. Billings    | Mr. Harris     | Mr. Sager           |
| Mr. Blake       | Mr. Hazelton   | Mr. Searing         |
| Mr. Bloss       | Mr. Heermans   | Mr. Sherman         |
| Mr. Bowen       | Mr. Hervey     | Mr. Skelton         |
| Mr. J. Brooks   | Mr. Hine       | Mr. A. C. Smith     |
| Mr. M. Brooks   | Mr. Horton     | Mr. W. Smith        |
| Mr. L. H. Brown | Mr. Howard     | Mr. Speaker         |
| Mr. S. A. Brown | Mr. Hunt       | Mr. Spring          |
| Mr. Bunker      | Mr. Huntington | Mr. J. Stevenson    |
| Mr. Burdick     | Mr. Jarvis     | Mr. R. L. Stevenson |
| Mr. Carpenter   | Mr. Johnson    | Mr. Strobbridge     |
| Mr. Chase       | Mr. Jones      | Mr. Sweeney         |
| Mr. Collins     | Mr. Kinne      | Mr. Tefft           |

|                  |               |                     |
|------------------|---------------|---------------------|
| Mr. Comstock     | Mr. Knapp     | Mr. Thayer          |
| Mr. Constant     | Mr. D. Lee    | Mr. Thompson        |
| Mr. C. F. Crosby | Mr. M'Donald  | Mr. Titus           |
| Mr. Culver       | Mr. M'Key     | Mr. Tuthill         |
| Mr. Danforth     | Mr. M'Vean    | Mr. Van Schoonhoven |
| Mr. Dewey        | Mr. Mather    | Mr. Walrath         |
| Mr. Dickson      | Mr. Mersereau | Mr. Wheeler         |
| Mr. Edwards      | Mr. S. Miller | Mr. White           |
| Mr. Field        | Mr. Morris    | Mr. Whitney         |
| Mr. Fonda        | Mr. Morrison  | Mr. Wyckoff         |
| Mr. Frisbee      | Mr. Niven     | Mr. Wynant          |
| Mr. Garretson    | Mr. Oakley    | Mr. A. W. Young     |
| Mr. Gifford      |               |                     |

91

And those who were absent are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bailey      | Mr. Fellows      | Mr. Pardee          |
| Mr. Boughton    | Mr. Fenn         | Mr. Pierce          |
| Mr. Brower      | Mr. Hall         | Mr. Rogers          |
| Mr. A. H. Buell | Mr. Harden       | Mr. Russell         |
| Mr. T. Buel     | Mr. T. R. Lee    | Mr. Salisbury       |
| Mr. Bush        | Mr. Litchfield   | Mr. Sears           |
| Mr. Cameron     | Mr. Long         | Mr. Tibbits         |
| Mr. Casner      | Mr. M'Carthy     | Mr. Van Valkenburgh |
| Mr. Coe         | Mr. Mann         | Mr. Wells           |
| Mr. Crain       | Mr. C. B. Miller | Mr. Wilcox          |
| Mr. E. Crosby   | Mr. Moulton      | Mr. Worden          |
| Mr. Dayton      | Mr. Newkirk      | Mr. J. Young        |
| Mr. De Puy      |                  |                     |

37

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act for the preservation of carp in the Hudson river;" and the bill entitled "An act for the relief of John Allerthorn, an alien," and found the same severally correctly engrossed.

*Ordered*, That the said bills do have their third reading.

By unanimous consent,

Mr. Constant, from the joint library committee, to which was referred the bill from the Senate, entitled "An act for the final settlement of the accounts of John R. Brodhead, agent for procuring colonial documents," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

The engrossed bill entitled "An act to provide for the compensation of jurors in the city of New-York," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to amend the act entitled 'An act for the relief of William Dunn,' passed April 17th, 1844," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |
|---|--------|----|
| { | AYES   | 87 |
| { | NAYS   | 01 |
| { | ABSENT | 40 |

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. D. Gould     | Mr. Porter          |
| Mr. Bagg         | Mr. G. Goold     | Mr. Raymond         |
| Mr. Barber       | Mr. Gregory      | Mr. Rice            |
| Mr. Betts        | Mr. Hannum       | Mr. Ross            |
| Mr. Bevens       | Mr. Harris       | Mr. Sager           |
| Mr. Blake        | Mr. Hazelton     | Mr. Sears           |
| Mr. Bloss        | Mr. Hervey       | Mr. Skelton         |
| Mr. Bowen        | Mr. Hine         | Mr. A. C. Smith     |
| Mr. J. Brooks    | Mr. Horton       | Mr. W. Smith        |
| Mr. M. Brooks    | Mr. Howard       | Mr. Speaker         |
| Mr. L. H. Brown  | Mr. Huntington   | Mr. Spring          |
| Mr. S. A. Brown  | Mr. Jarvis       | Mr. J. Stevenson    |
| Mr. Bunker       | Mr. Johnson      | Mr. R. L. Stevenson |
| Mr. Burdick      | Mr. Jones        | Mr. Strobbridge     |
| Mr. Carpenter    | Mr. Kinne        | Mr. Sweeney         |
| Mr. Chase        | Mr. Knapp        | Mr. Thayer          |
| Mr. Collins      | Mr. D. Lee       | Mr. Thompson        |
| Mr. Comstock     | Mr. Litchfield   | Mr. Titus           |
| Mr. Constant     | Mr. M'Donald     | Mr. Tuthill         |
| Mr. Crain        | Mr. M'Key        | Mr. Van Schoonhoven |
| Mr. C. F. Crosby | Mr. M'Vean       | Mr. Walrath         |
| Mr. Danforth     | Mr. Mather       | Mr. Wheeler         |
| Mr. Dewey        | Mr. Mersereau    | Mr. White           |
| Mr. Dickson      | Mr. C. B. Miller | Mr. Whitney         |
| Mr. Field        | Mr. S. Miller    | Mr. Wilcox          |
| Mr. Fonda        | Mr. Morris       | Mr. Wyckoff         |
| Mr. Frisbee      | Mr. Morrison     | Mr. Wynant          |
| Mr. Garretson    | Mr. Niven        | Mr. A. W. Young     |
| Mr. Gifford      | Mr. Oakley       | Mr. J. Young        |

87

For the negative,

Mr. Boughton

1

And those who were absent are

|                 |               |                     |
|-----------------|---------------|---------------------|
| Mr. Bailey      | Mr. Fellows   | Mr. Pardee          |
| Mr. Billings    | Mr. Fenn      | Mr. Pierce          |
| Mr. Brower      | Mr. Hall      | Mr. Preston         |
| Mr. A. H. Buell | Mr. Hammond   | Mr. Rogers          |
| Mr. T. Buel     | Mr. Harden    | Mr. Russell         |
| Mr. Bush        | Mr. Heermans  | Mr. Salisbury       |
| Mr. Cameron     | Mr. Hunt      | Mr. Searing         |
| Mr. Casner      | Mr. T. R. Lee | Mr. Sherman         |
| Mr. Coe         | Mr. Long      | Mr. Tefft           |
| Mr. E. Crosby   | Mr. M'Carthy  | Mr. Tibbits         |
| Mr. Culver      | Mr. Mann      | Mr. Van Valkenburgh |
| Mr. Dayton      | Mr. Moulton   | Mr. Wells           |
| Mr. De Puy      | Mr. Newkirk   | Mr. Worden          |
| Mr. Edwards     |               |                     |

40

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

By unanimous consent,

Mr. Morrison, from the committee on railroads, asked for and obtained leave to bring in a bill, entitled "An act to amend an act to incorporate the Goshen and Albany Railroad Company;" which was read the first time, and by unanimous consent was also read a second time, and, on motion of Mr. Morrison, ordered to be engrossed for a third reading.

The engrossed bill entitled "An act to authorise the election of the supervisors in the city of Utica," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 58 | } |
| { | NAYS   | 29 | } |
| { | ABSENT | 41 | } |

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |                |                  |
|-----------------|----------------|------------------|
| Mr. Bachman     | Mr. Gregory    | Mr. Preston      |
| Mr. Barber      | Mr. Hammond    | Mr. Raymond      |
| Mr. Bevens      | Mr. Hazelton   | Mr. Rice         |
| Mr. Blake       | Mr. Hine       | Mr. Ross         |
| Mr. Bloss       | Mr. Huntington | Mr. Russell      |
| Mr. Bowen       | Mr. Jarvis     | Mr. Sager        |
| Mr. J. Brooks   | Mr. Jones      | Mr. Sears        |
| Mr. S. A. Brown | Mr. Kinne      | Mr. A. C. Smith  |
| Mr. Bunker      | Mr. Knapp      | Mr. W. Smith     |
| Mr. Chase       | Mr. D. Lee     | Mr. Speaker      |
| Mr. Collins     | Mr. T. R. Lee  | Mr. Spring       |
| Mr. Crain       | Mr. M'Key      | Mr. J. Stevenson |



|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. C. F. Crosby | Mr. Mersereau    | Mr. Van Schoonhoven |
| Mr. Danforth     | Mr. C. B. Miller | Mr. Walrath         |
| Mr. Field        | Mr. S. Miller    | Mr. Wheeler         |
| Mr. Frisbee      | Mr. Morris       | Mr. White           |
| Mr. Garretson    | Mr. Morrison     | Mr. Wynant          |
| Mr. Gifford      | Mr. Oakley       | Mr. A. W. Young     |
| Mr. D. Gould     | Mr. Porter       | Mr. J. Young        |
| Mr. G. Goold     |                  |                     |

58

Those who voted in the negative are

|               |                |                     |
|---------------|----------------|---------------------|
| Mr. Bagg      | Mr. Edwards    | Mr. Searing         |
| Mr. Betts     | Mr. Fenn       | Mr. Sherman         |
| Mr. Billings  | Mr. Hannum     | Mr. R. L. Stevenson |
| Mr. Boughton  | Mr. Heermans   | Mr. Thayer          |
| Mr. M. Brooks | Mr. Hervey     | Mr. Thompson        |
| Mr. Burdick   | Mr. Howard     | Mr. Tibbits         |
| Mr. Comstock  | Mr. Johnson    | Mr. Titus           |
| Mr. Constant  | Mr. Litchfield | Mr. Wilcox          |
| Mr. Dewey     | Mr. M'Donald   | Mr. Wyckoff         |
| Mr. Dickson   | Mr. Niven      |                     |

29

And those who were absent are

|                 |              |                     |
|-----------------|--------------|---------------------|
| Mr. Bailey      | Mr. Fellows  | Mr. Pardee          |
| Mr. Brower      | Mr. Fonda    | Mr. Pierce          |
| Mr. L. H. Brown | Mr. Hall     | Mr. Rogers          |
| Mr. A. H. Buell | Mr. Harden   | Mr. Salisbury       |
| Mr. T. Buel     | Mr. Harris   | Mr. Skelton         |
| Mr. Bush        | Mr. Horton   | Mr. Strobbridge     |
| Mr. Cameron     | Mr. Hunt     | Mr. Sweeney         |
| Mr. Carpenter   | Mr. Long     | Mr. Tefft           |
| Mr. Casner      | Mr. M'Carthy | Mr. Tuthill         |
| Mr. Coe         | Mr. M'Vean   | Mr. Van Valkenburgh |
| Mr. E. Crosby   | Mr. Mann     | Mr. Wells           |
| Mr. Culver      | Mr. Mather   | Mr. Whitney         |
| Mr. Dayton      | Mr. Moulton  | Mr. Worden          |
| Mr. De Puy      | Mr. Newkirk  |                     |

41

*Ordered*, That the said bill be referred to the committee on two-third bills.

The bill entitled "An act to authorise the reference of certain actions at law," and the bill entitled "An act to amend an act entitled 'An act for the relief of Robert Gere and Philo C. Weaver,'" were returned from the Senate.

*Ordered*, That the Clerk deliver the said bills to the Governor.

The engrossed bill entitled "An act to amend an act entitled 'An act to confirm the title of certain lands conveyed to Richard Richardson, an alien,' passed April 1843," was read the third time.

Mr. Speaker put the question whether the House would agree to the

final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|          |    |
|----------|----|
| { AYES   | 96 |
| { NAYS   | 00 |
| { ABSENT | 32 |

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Gifford      | Mr. Rice            |
| Mr. Bagg         | Mr. D. Gould     | Mr. Ross            |
| Mr. Barber       | Mr. G. Goold     | Mr. Russell         |
| Mr. Betts        | Mr. Gregory      | Mr. Sager           |
| Mr. Bevens       | Mr. Hammond      | Mr. Searing         |
| Mr. Billings     | Mr. Hannum       | Mr. Sears           |
| Mr. Blake        | Mr. Harris       | Mr. Sherman         |
| Mr. Bloss        | Mr. Hazelton     | Mr. Skelton         |
| Mr. Boughton     | Mr. Heermans     | Mr. A. C. Smith     |
| Mr. Bowen        | Mr. Hervey       | Mr. W. Smith        |
| Mr. J. Brooks    | Mr. Howard       | Mr. Speaker         |
| Mr. M. Brooks    | Mr. Huntington   | Mr. Spring          |
| Mr. S. A. Brown  | Mr. Jarvis       | Mr. J. Stevenson    |
| Mr. A. H. Buell  | Mr. Johnson      | Mr. R. L. Stevenson |
| Mr. Bunker       | Mr. Kinne        | Mr. Strobridge      |
| Mr. Burdick      | Mr. Knapp        | Mr. Sweeney         |
| Mr. Bush         | Mr. D. Lee       | Mr. Tefft           |
| Mr. Carpenter    | Mr. T. R. Lee    | Mr. Thayer          |
| Mr. Chase        | Mr. Litchfield   | Mr. Thompson        |
| Mr. Comstock     | Mr. M'Donald     | Mr. Tibbits         |
| Mr. Constant     | Mr. M'Key        | Mr. Titus           |
| Mr. Crain        | Mr. M'Vean       | Mr. Tuthill         |
| Mr. C. F. Crosby | Mr. Mather       | Mr. Van Schoonhoven |
| Mr. Danforth     | Mr. Mersereau    | Mr. Walrath         |
| Mr. Dewey        | Mr. C. B. Miller | Mr. Wheeler         |
| Mr. Dickson      | Mr. S. Miller    | Mr. White           |
| Mr. Edwards      | Mr. Morris       | Mr. Whitney         |
| Mr. Fenn         | Mr. Morrison     | Mr. Wilcox          |
| Mr. Field        | Mr. Niven        | Mr. Wyckoff         |
| Mr. Fonda        | Mr. Oakley       | Mr. Wynant          |
| Mr. Frisbee      | Mr. Porter       | Mr. A. W. Young     |
| Mr. Garretson    | Mr. Raymond      | Mr. J. Young        |

96

And those who were absent are

|                 |             |             |
|-----------------|-------------|-------------|
| Mr. Bailey      | Mr. De Puy  | Mr. Moulton |
| Mr. Brower      | Mr. Fellows | Mr. Newkirk |
| Mr. L. H. Brown | Mr. Hall    | Mr. Pardee  |
| Mr. T. Buel     | Mr. Harden  | Mr. Pierce  |
| Mr. Cameron     | Mr. Hine    | Mr. Preston |
| Mr. Casner      | Mr. Horton  | Mr. Rogers  |

|               |              |                     |
|---------------|--------------|---------------------|
| Mr. Coe       | Mr. Hunt     | Mr. Salisbury       |
| Mr. Collins   | Mr. Jones    | Mr. Van Valkenburgh |
| Mr. E. Crosby | Mr. Long     | Mr. Wells           |
| Mr. Culver    | Mr. M'Carthy | Mr. Worden          |
| Mr. Dayton    | Mr. Mann     |                     |

32

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act for the relief of John Allerthorn, an alien," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 93 | } |
| { | NAYS   | 00 | } |
| { | ABSENT | 35 | } |

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. G. Goold     | Mr. Rice            |
| Mr. Bagg         | Mr. Gregory      | Mr. Ross            |
| Mr. Bailey       | Mr. Hammond      | Mr. Russell         |
| Mr. Barber       | Mr. Hannum       | Mr. Sager           |
| Mr. Betts        | Mr. Harris       | Mr. Searing         |
| Mr. Bevins       | Mr. Hazelton     | Mr. Sears           |
| Mr. Billings     | Mr. Heermans     | Mr. Sherman         |
| Mr. Blake        | Mr. Hervey       | Mr. Skelton         |
| Mr. Boughton     | Mr. Horton       | Mr. A. C. Smith     |
| Mr. Bowen        | Mr. Howard       | Mr. W. Smith        |
| Mr. J. Brooks    | Mr. Huntington   | Mr. Speaker         |
| Mr. M. Brooks    | Mr. Jarvis       | Mr. Spring          |
| Mr. S. A. Brown  | Mr. Johnson      | Mr. J. Stevenson    |
| Mr. Bunker       | Mr. Kinne        | Mr. R. L. Stevenson |
| Mr. Burdick      | Mr. Knapp        | Mr. Strobbridge     |
| Mr. Chase        | Mr. D. Lee       | Mr. Sweeney         |
| Mr. Collins      | Mr. T. R. Lee    | Mr. Tefft           |
| Mr. Comstock     | Mr. Litchfield   | Mr. Thayer          |
| Mr. Constant     | Mr. M'Donald     | Mr. Thompson        |
| Mr. C. F. Crosby | Mr. M'Key        | Mr. Tibbits         |
| Mr. Danforth     | Mr. M'Vean       | Mr. Titus           |
| Mr. Dewey        | Mr. Mersereau    | Mr. Tuthill         |
| Mr. Dickson      | Mr. C. B. Miller | Mr. Van Schoonhoven |
| Mr. Edwards      | Mr. S. Miller    | Mr. Walrath         |
| Mr. Fenn         | Mr. Morris       | Mr. Wheeler         |
| Mr. Field        | Mr. Morrison     | Mr. White           |
| Mr. Fonda        | Mr. Newkirk      | Mr. Whitney         |
| Mr. Frisbee      | Mr. Niven        | Mr. Wilcox          |
| Mr. Garretson    | Mr. Oakley       | Mr. Wyckoff         |
| Mr. Gifford      | Mr. Porter       | Mr. Wynant          |
| Mr. D. Gould     | Mr. Raymond      | Mr. A. W. Young     |

93

And those who were absent are

|                 |              |                     |
|-----------------|--------------|---------------------|
| Mr. Bloss       | Mr. Culver   | Mr. Mather          |
| Mr. Brower      | Mr. Dayton   | Mr. Moulton         |
| Mr. L. H. Brown | Mr. De Puy   | Mr. Pardee          |
| Mr. A. H. Buell | Mr. Fellows  | Mr. Pierce          |
| Mr. T. Buel     | Mr. Hall     | Mr. Preston         |
| Mr. Bush        | Mr. Harden   | Mr. Rogers          |
| Mr. Cameron     | Mr. Hine     | Mr. Salisbury       |
| Mr. Carpenter   | Mr. Hunt     | Mr. Van Valkenburgh |
| Mr. Casner      | Mr. Jones    | Mr. Wells           |
| Mr. Coe         | Mr. Long     | Mr. Worden          |
| Mr. Crain       | Mr. M'Carthy | Mr. J. Young        |
| Mr. E. Crosby   | Mr. Mann     |                     |

35

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act relative to taxes and jurors in the city of New-York," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 89 | } |
| { | NAYS   | 01 | } |
| { | ABSENT | 38 | } |

Those who voted in the affirmative are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Bachman     | Mr. G. Goold   | Mr. Morrison        |
| Mr. Bagg        | Mr. Gregory    | Mr. Oakley          |
| Mr. Barber      | Mr. Hammond    | Mr. Pierce          |
| Mr. Betts       | Mr. Hannum     | Mr. Porter          |
| Mr. Bevens      | Mr. Harden     | Mr. Preston         |
| Mr. Billings    | Mr. Harris     | Mr. Raymond         |
| Mr. Blake       | Mr. Hazelton   | Mr. Rice            |
| Mr. Boughton    | Mr. Heermans   | Mr. Ross            |
| Mr. Bowen       | Mr. Hervey     | Mr. Russell         |
| Mr. J. Brooks   | Mr. Hine       | Mr. Sager           |
| Mr. M. Brooks   | Mr. Horton     | Mr. Sears           |
| Mr. S. A. Brown | Mr. Howard     | Mr. Sherman         |
| Mr. Bunker      | Mr. Hunt       | Mr. A. C. Smith     |
| Mr. Carpenter   | Mr. Huntington | Mr. W. Smith        |
| Mr. Chase       | Mr. Jarvis     | Mr. Spring          |
| Mr. Coe         | Mr. Johnson    | Mr. J. Stevenson    |
| Mr. Collins     | Mr. Kinne      | Mr. R. L. Stevenson |
| Mr. Constant    | Mr. Knapp      | Mr. Strobridge      |
| Mr. Culver      | Mr. D. Lee     | Mr. Sweeney         |
| Mr. Danforth    | Mr. T. R. Lee  | Mr. Tefft           |



|               |                  |                     |
|---------------|------------------|---------------------|
| Mr. Dewey     | Mr. Litchfield   | Mr. Thayer          |
| Mr. Dickson   | Mr. M'Donald     | Mr. Tuthill         |
| Mr. Edwards   | Mr. M'Key        | Mr. Van Schoonhoven |
| Mr. Fenn      | Mr. M'Vean       | Mr. Walrath         |
| Mr. Field     | Mr. Mann         | Mr. Wheeler         |
| Mr. Fonda     | Mr. Mather       | Mr. White           |
| Mr. Frisbee   | Mr. Mersereau    | Mr. Whitney         |
| Mr. Garretson | Mr. C. B. Miller | Mr. Wynant          |
| Mr. Gifford   | Mr. S. Miller    | Mr. A. W. Young     |
| Mr. D. Gould  | Mr. Morris       |                     |

89

For the negative,

Mr. Speaker

1

And those who were absent are

|                  |               |                     |
|------------------|---------------|---------------------|
| Mr. Bailey       | Mr. E. Crosby | Mr. Salisbury       |
| Mr. Bloss        | Mr. Dayton    | Mr. Searing         |
| Mr. Brower       | Mr. De Puy    | Mr. Skelton         |
| Mr. L. H. Brown  | Mr. Fellows   | Mr. Thompson        |
| Mr. A. H. Buell  | Mr. Hall      | Mr. Tibbits         |
| Mr. T. Buel      | Mr. Jones     | Mr. Titus           |
| Mr. Burdick      | Mr. Long      | Mr. Van Valkenburgh |
| Mr. Bush         | Mr. M'Carthy  | Mr. Wells           |
| Mr. Cameron      | Mr. Moulton   | Mr. Wilcox          |
| Mr. Casner       | Mr. Newkirk   | Mr. Worden          |
| Mr. Comstock     | Mr. Niven     | Mr. Wyckoff         |
| Mr. Crain        | Mr. Pardee    | Mr. J. Young        |
| Mr. C. F. Crosby | Mr. Rogers    |                     |

38

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to incorporate the New-York Industrial Association," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the negative; less than two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 51 | } |
| { | NAYS   | 40 | } |
| { | ABSENT | 37 | } |

Those who voted in the affirmative are

|             |               |             |
|-------------|---------------|-------------|
| Mr. Bachman | Mr. Frisbee   | Mr. Pierce  |
| Mr. Bagg    | Mr. Garretson | Mr. Porter  |
| Mr. Barber  | Mr. Gifford   | Mr. Rice    |
| Mr. Betts   | Mr. Hammond   | Mr. Ross    |
| Mr. Bevens  | Mr. Hannum    | Mr. Russell |

|                 |              |                     |
|-----------------|--------------|---------------------|
| Mr. Boughton    | Mr. Horton   | Mr. Salisbury       |
| Mr. J. Brooks   | Mr. Howard   | Mr. Sears           |
| Mr. M. Brooks   | Mr. Hunt     | Mr. Speaker         |
| Mr. S. A. Brown | Mr. Jarvis   | Mr. J. Stevenson    |
| Mr. Bunker      | Mr. Johnson  | Mr. Sweeney         |
| Mr. Burdick     | Mr. D. Lee   | Mr. Tibbits         |
| Mr. Chase       | Mr. M'Donald | Mr. Van Schoonhoven |
| Mr. Coc         | Mr. M'Key    | Mr. Walrath         |
| Mr. Collins     | Mr. M'Vean   | Mr. White           |
| Mr. Dewey       | Mr. Mann     | Mr. Wynant          |
| Mr. Edwards     | Mr. Morrison | Mr. A. W. Young     |
| Mr. Field       | Mr. Oakley   |                     |

50

Those who voted in the negative are

|                  |                  |                 |
|------------------|------------------|-----------------|
| Mr. Billings     | Mr. Harris       | Mr. Preston     |
| Mr. Carpenter    | Mr. Hazelton     | Mr. Raymond     |
| Mr. Casner       | Mr. Heermans     | Mr. Sager       |
| Mr. Comstock     | Mr. Hervey       | Mr. Searing     |
| Mr. Constant     | Mr. Hine         | Mr. A. C. Smith |
| Mr. C. F. Crosby | Mr. Huntington   | Mr. W. Smith    |
| Mr. Danforth     | Mr. Kinne        | Mr. Strobbridge |
| Mr. Dickson      | Mr. T. R. Lee    | Mr. Tefft       |
| Mr. Fenn         | Mr. Litchfield   | Mr. Thayer      |
| Mr. Fonda        | Mr. Mersereau    | Mr. Titus       |
| Mr. D. Gould     | Mr. C. B. Miller | Mr. Tuthill     |
| Mr. G. Goold     | Mr. S. Miller    | Mr. Whitney     |
| Mr. Gregory      | Mr. Morris       | Mr. Wyckoff     |
| Mr. Harden       |                  |                 |

40

And those who were absent are

|                 |              |                     |
|-----------------|--------------|---------------------|
| Mr. Bailey      | Mr. Dayton   | Mr. Rogers          |
| Mr. Blake       | Mr. De Puy   | Mr. Sherman         |
| Mr. Bloss       | Mr. Fellows  | Mr. Skelton         |
| Mr. Bowen       | Mr. Hall     | Mr. Spring          |
| Mr. Brower      | Mr. Jones    | Mr. R. L. Stevenson |
| Mr. L. H. Brown | Mr. Knapp    | Mr. Thompson        |
| Mr. A. H. Buell | Mr. Long     | Mr. Van Valkenburgh |
| Mr. T. Buel     | Mr. M'Carthy | Mr. Wells           |
| Mr. Bush        | Mr. Mather   | Mr. Wheeler         |
| Mr. Cameron     | Mr. Moulton  | Mr. Wilcox          |
| Mr. Crain       | Mr. Newkirk  | Mr. Worden          |
| Mr. E. Crosby   | Mr. Niven    | Mr. J. Young        |
| Mr. Culver      | Mr. Pardee   |                     |

38

The House then proceeded to the consideration of the bill entitled "An act to incorporate the Brooklyn Quay Company," which had been read the third time on a previous day.

Mr. Speaker put the question whether the House would agree to the

final passage of the said bill, and it was determined in the negative ; less than two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 52 | } |
| { | NAYS   | 40 | } |
| { | ABSENT | 36 | } |

Those who voted in the affirmative are

|               |                |                     |
|---------------|----------------|---------------------|
| Mr. Bachman   | Mr. D. Gould   | Mr. Mather          |
| Mr. Bagg      | Mr. G. Goold   | Mr. S. Miller       |
| Mr. Barber    | Mr. Gregory    | Mr. Pierce          |
| Mr. Betts     | Mr. Hannum     | Mr. Preston         |
| Mr. Bevns     | Mr. Harris     | Mr. Rice            |
| Mr. Blake     | Mr. Heermans   | Mr. Sager           |
| Mr. Bloss     | Mr. Hervey     | Mr. W. Smith        |
| Mr. Boughton  | Mr. Hine       | Mr. J. Stevenson    |
| Mr. Bowen     | Mr. Horton     | Mr. Strobbridge     |
| Mr. J. Brooks | Mr. Howard     | Mr. Tefft           |
| Mr. Burdick   | Mr. Johnson    | Mr. Thayer          |
| Mr. Chase     | Mr. Kinne      | Mr. Titus           |
| Mr. Coe       | Mr. D. Lee     | Mr. Tuthill         |
| Mr. Dewey     | Mr. Litchfield | Mr. Van Schoonhoven |
| Mr. Dickson   | Mr. M'Donald   | Mr. Whitney         |
| Mr. Field     | Mr. M'Vean     | Mr. Wyckoff         |
| Mr. Fonda     | Mr. Mann       | Mr. Wynant          |
| Mr. Gifford   |                |                     |

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Those who voted in the negative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. M. Brooks    | Mr. Garretson  | Mr. Russell         |
| Mr. S. A. Brown  | Mr. Hammond    | Mr. Salisbury       |
| Mr. A. H. Buell  | Mr. Harden     | Mr. Searing         |
| Mr. Bunker       | Mr. Hazelton   | Mr. Skelton         |
| Mr. Carpenter    | Mr. Hunt       | Mr. A. C. Smith     |
| Mr. Collins      | Mr. Huntington | Mr. Speaker         |
| Mr. Comstock     | Mr. Jarvis     | Mr. R. L. Stevenson |
| Mr. Constant     | Mr. T. R. Lee  | Mr. Sweeney         |
| Mr. C. F. Crosby | Mr. M'Key      | Mr. Thompson        |
| Mr. Culver       | Mr. Morrison   | Mr. Wheeler         |
| Mr. Danforth     | Mr. Oakley     | Mr. White           |
| Mr. Edwards      | Mr. Raymond    | Mr. A. W. Young     |
| Mr. Fenn         | Mr. Ross       | Mr. J. Young        |
| Mr. Frisbee      |                |                     |

40

And those who were absent are

|              |             |            |
|--------------|-------------|------------|
| Mr. Bailey   | Mr. Fellows | Mr. Pardee |
| Mr. Billings | Mr. Hall    | Mr. Porter |

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Brower      | Mr. Jones        | Mr. Rogers          |
| Mr. L. H. Brown | Mr. Knapp        | Mr. Sears           |
| Mr. T. Buel     | Mr. Long         | Mr. Sherman         |
| Mr. Bush        | Mr. M'Carthy     | Mr. Spring          |
| Mr. Cameron     | Mr. Mersereau    | Mr. Tibbits         |
| Mr. Casner      | Mr. C. B. Miller | Mr. Van Valkenburgh |
| Mr. Crain       | Mr. Morris       | Mr. Walrath         |
| Mr. E. Crosby   | Mr. Moulton      | Mr. Wells           |
| Mr. Dayton      | Mr. Newkirk      | Mr. Wilcox          |
| Mr. De Puy      | Mr. Niven        | Mr. Worden          |

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The engrossed bill entitled "An act for the publication of the session laws in two newspapers in each county of this State," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
Albany, May 8, 1845. }

TO THE ASSEMBLY.

I have this day approved and signed the bill entitled "An act to incorporate the American Atlantic Steam Navigation Company."

The bill entitled "An act for the relief of Hiram Chapman and others."

The bill entitled "An act for the relief of James D. Treat and others."

The bill entitled "An act authorising the Surveyor General to release to the supervisor of the town of Oswegatchie a certain lot of land in said town."

The bill entitled "An act for the relief of Abel Chandler."

And the bill entitled "An act for the relief of Mary Murray and others."

SILAS WRIGHT.

By unanimous consent,

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the bill from the Senate, entitled "An act in relation to the courts of common pleas and general sessions of the peace in and for the county of Kings," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill do have its third reading.

By unanimous consent,

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the bill from the Senate, entitled "An act to amend an act entitled 'An act to provide for the appointment of a police justice in the village of Oswego,' passed April 29th, 1844," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill do have its third reading.



By unanimous consent,

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the bill from the Senate, entitled "An act in relation to the municipal court of the city of Brooklyn," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill do have its third reading.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act relative to the city of Brooklyn," and found the same correctly engrossed.

*Ordered*, That the said bill do have its third reading.

By unanimous consent,

Mr. Whitney, from the committee on medical societies and colleges, to which was referred the bill entitled "An act to aid the College of Physicians and Surgeons in the city of New-York," with instructions to report the same complete, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill do have its third reading.

By unanimous consent,

Mr. Edwards, from the select committee to which was referred the bill entitled "An act to amend an act vesting certain powers in the freeholders and inhabitants of the village of Waterford, passed March 28, 1805," together with the amendments of the Senate thereto, and with instructions to report the same complete, reported, that the committee had gone through the said bill and amendments, and recommend that the House concur in the amendments, and that the bill be passed into a law.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill and amendments be laid upon the table.

By unanimous consent,

Mr. Comstock, from the committee on the judiciary, to which was referred the bill from the Senate, entitled "An act to amend the law in relation to suits against foreign corporations," reported, that the committee had examined the said bill, and made sundry amendments thereto, and saw no reason why the said amended bill should not be passed into a law.

On motion of Mr. Comstock,

*Ordered*, That the said amendments be engrossed, and the bill have its third reading.

On motion of Mr. C. F. Crosby,

The House then adjourned to nine o'clock to-morrow morning.

## FRIDAY, MAY 9, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Kennedy.

The minutes of yesterday were read and approved.

By unanimous consent,

Mr. Horton offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, (if the Senate concur,) That the bill entitled "An act to reduce the number of town officers, and town and county expenses, and to prevent abuses in auditing town and county accounts," be amended in the twenty-third section, by adding the words "But in towns where the total amount of taxes shall be less than fifteen hundred dollars, it shall be lawful for the collector to receive for his fees upon all collections of taxes made by him, a sum not exceeding five per centum of said taxes, which may be fixed by the annual town meeting in such towns."

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

*Ordered*, That the Clerk deliver the said resolution to the Senate, and request their concurrence in the same.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the petition of sundry inhabitants of the county of Suffolk, in relation to the Long Island Railroad Company, reported unfavorably to the prayer of the petitioners, and offered the following resolution, to wit :

*Resolved*, That the committee be discharged from the further consideration of the said petition.

On motion of Mr. Jones,

*Ordered*, That the said resolution be laid on the table.

By unanimous consent,

Mr. Hine, from the select committee to which was referred the bill from the Senate, entitled "An act to erect the town of Gilboa," with instructions to report the same complete, reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same ; which he was directed to report to the house.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said amendments be engrossed, and the bill have its third reading.

Mr. Thompson, from the committee on charitable and religious societies, to which was referred the bill from the Senate, entitled "An act to incorporate the German Lutheran Missionary Society of New-York," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

On motion of Mr. Thompson,

*Ordered*, That the said bill do have its third reading.

Mr. Crain, from the committee on ways and means, to which was referred the bill entitled "An act for assessing property at its intrinsic value, and for equalizing the same," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Russell moved to lay the said bill upon the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Russell, and it was determined in the affirmative.

By unanimous consent,

Mr. Hine offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the Printers to the Assembly procure the Senate and Assembly Documents, and the Session Laws of this Session, with indexes thereto, to be bound in boards, with leather backs, and lettered, for the members, officers, deputy clerks and reporters of this House ; that the expenses thereof be paid out of the contingent fund of this house ; and that the same be delivered to the Secretary of State, with all convenient despatch, to be by him forwarded, with the Journals of the Senate and Assembly, to the several county clerks, for the use of the members and others entitled thereto.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

By unanimous consent,

Mr. T. R. Lee offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill entitled "An act to amend the charter of the Jefferson Insurance Company in the city of New-York," be taken from the general orders, and referred to the committee on banks and insurance companies, with instructions to report the same complete.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the petition of the mayor, aldermen and commonalty of the city of New-York, praying for the amendment of an act authorising the laying out of a new street in said city, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. T. R. Lee accordingly brought in the said bill, entitled "An act to amend an act entitled 'An act to lay out a new street in the twelfth and sixteenth wards of the city of New-York, and to keep open a part of the Bloomingdale road in said city,' passed April 16, 1838 ;" which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. T. R. Lee,

*Ordered*, That the said bill be engrossed for a third reading.

By unanimous consent, and

In pursuance of previous notice, Mr. Wheeler asked for and obtained leave to bring in a bill entitled "An act to provide for the appointment of an additional number of commissioners of deeds in and for the city and county of New-York ;" which was read the first time, and by unanimous consent was also read a second time.



On motion of Mr. Wheeler,

*Ordered*, That the said bill be referred to the committee on the judiciary, with instructions to report the same complete.

Mr. Oakley, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to annex a part of the city of Troy to the town of Brunswick," and found the same correctly engrossed.

*Ordered*, That the said bill do have its third reading.

Mr. Tefft, from the committee on claims, to which was referred the bill for the relief of Samuel S. Riddle, Constant Cook, John Magee and Horatio S. Riddle," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Oakley moved to suspend the order of business, consisting of the "Third reading of bills," for one hour.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Oakley, and it was determined in the affirmative.

Mr. Oakley offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill entitled "An act to improve the militia of this State," be ordered to a third reading.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

On motion of Mr. Niven,

*Resolved*, That the bill entitled "An act to incorporate the village of Walkill," be taken from the general orders, and referred to a select committee, consisting of the members attending this house from the county of Orange, with instructions to report the same complete.

Mr. Russell offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the bill entitled "An act to equalize taxation," be referred to the committee on ways and means, with instruction to report the same complete.

Mr. Comstock called for a division of the question.

Whereupon,

Mr. Speaker put the question whether the House would agree to the first clause of the said resolution, referring the said bill to the committee on ways and means, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to the second and last clause of the said resolution, instructing the committee to report the said bill complete, and it was determined in the affirmative.

On motion of Mr. Jones,

*Resolved*, That the bill entitled "An act to amend the act entitled 'An act regulating highways and bridges in the counties of Suffolk, Queens and Kings,' passed February 23d, 1830," be ordered to a third reading.

Mr. Bush offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the resolution reported by the committee on canals,



to equalize the tolls, be taken up at half past four this afternoon, and that the final vote be taken before the adjournment.

Mr. Thayer moved that the said resolution be laid upon the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Thayer, and it was determined in the affirmative.

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 64 | } |
|   | NAYS   | 37 |   |
|   | ABSENT | 27 |   |

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |                |                 |
|-----------------|----------------|-----------------|
| Mr. Bachman     | Mr. Hazelton   | Mr. Pierce      |
| Mr. Bagg        | Mr. Heermans   | Mr. Porter      |
| Mr. Bailey      | Mr. Hine       | Mr. Preston     |
| Mr. Billings    | Mr. Howard     | Mr. Rogers      |
| Mr. Boughton    | Mr. Hunt       | Mr. Ross        |
| Mr. J. Brooks   | Mr. Huntington | Mr. Russell     |
| Mr. M. Brooks   | Mr. Johnson    | Mr. Sager       |
| Mr. L. H. Brown | Mr. Jones      | Mr. Salisbury   |
| Mr. A. H. Buell | Mr. Kinne      | Mr. Searing     |
| Mr. Burdick     | Mr. Knapp      | Mr. Sears       |
| Mr. Carpenter   | Mr. T. R. Lee  | Mr. Skelton     |
| Mr. Comstock    | Mr. Litchfield | Mr. W. Smith    |
| Mr. Constant    | Mr. Mather     | Mr. Speaker     |
| Mr. Crain       | Mr. Mersereau  | Mr. Strobbridge |
| Mr. Culver      | Mr. S. Miller  | Mr. Tefft       |
| Mr. Danforth    | Mr. Morris     | Mr. Thayer      |
| Mr. Fenn        | Mr. Morrison   | Mr. Titus       |
| Mr. Fonda       | Mr. Newkirk    | Mr. Tuthill     |
| Mr. Gifford     | Mr. Niven      | Mr. Walrath     |
| Mr. D. Gould    | Mr. Oakley     | Mr. Wheeler     |
| Mr. Gregory     | Mr. Pardee     | Mr. Whitney     |
| Mr. Harden      |                |                 |

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Those who voted in the negative are

|                 |               |                  |
|-----------------|---------------|------------------|
| Mr. Barber      | Mr. Frisbee   | Mr. Mann         |
| Mr. Bevins      | Mr. Garretson | Mr. C. B. Miller |
| Mr. Blake       | Mr. G. Goold  | Mr. Raymond      |
| Mr. Bloss       | Mr. Hammond   | Mr. Rice         |
| Mr. Bowen       | Mr. Hannum    | Mr. Sherman      |
| Mr. S. A. Brown | Mr. Hervey    | Mr. A. C. Smith  |
| Mr. Bush        | Mr. Horton    | Mr. Spring       |
| Mr. Chase       | Mr. Jarvis    | Mr. J. Stevenson |
| Mr. Coe         | Mr. D. Lee    | Mr. Tibbits      |
| Mr. Collins     | Mr. M'Donald  | Mr. Wilcox       |
| Mr. Dewey       | Mr. M'Key     | Mr. Wynant       |
| Mr. Edwards     | Mr. M'Vean    | Mr. A. W. Young  |
| Mr. Field       |               |                  |

37

And those who were absent are

|                  |                     |                     |
|------------------|---------------------|---------------------|
| Mr. Betts        | Mr. De Puy          | Mr. Sweeney         |
| Mr. Brower       | Mr. Dickson         | Mr. Thompson        |
| Mr. T. Buel      | Mr. Fellows         | Mr. Van Schoonhoven |
| Mr. Bunker       | Mr. Hall            | Mr. Van Valkenburgh |
| Mr. Cameron      | Mr. Harris          | Mr. Wells           |
| Mr. Casner       | Mr. Long            | Mr. White           |
| Mr. C. F. Crosby | Mr. M'Carthy        | Mr. Worden          |
| Mr. E. Crosby    | Mr. Moulton         | Mr. Wyckoff         |
| Mr. Dayton       | Mr. R. L. Stevenson | Mr. J. Young        |

27

On motion of Mr. Bevens,

*Resolved*, That the bill entitled "An act to authorise the appropriation of the towing path of the abandoned canal in the town of Glen in the county of Montgomery, to the purposes of a public highway," be engrossed for a third reading.

Mr. Howard offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, (if the Senate concur,) That the Canal Board be required not to reduce the tolls on any of the canals of this State, below what will produce the maximum revenue.

*Ordered*, That the said resolution be laid on the table.

On motion of Mr. Sherman,

*Resolved*, That the bill entitled "An act reducing the rate of interest of money," be made the special order for this afternoon, at half past three o'clock.

On motion of Mr. Frisbee,

The House then proceeded to the consideration of the resolution heretofore offered by him, in the words following, to wit :

*Resolved*, That the committee on public printing be directed to report to this House, the amount charged for the usual number of bills, containing each one, two and three pages ; and of the several documents and reports, containing one to five pages : Also what would be the number of ems in each page, as now printed, were the leads and blank lines excluded ; and also the amount charged for Assembly Document No. 99, as furnished to this house.

Debates were had thereon ; when

Mr. Bailey moved to lay the said resolution upon the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Bailey, and it was determined in the affirmative.

|   |        |    |
|---|--------|----|
| { | AYES   | 58 |
|   | NAYS   | 98 |
|   | ABSENT | 32 |

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. D. Gould     | Mr. Pardee          |
| Mr. Bagg        | Mr. Gregory      | Mr. Pierce          |
| Mr. Bailey      | Mr. Hervey       | Mr. Porter          |
| Mr. Bevens      | Mr. Hine         | Mr. Preston         |
| Mr. Billings    | Mr. Howard       | Mr. Rogers          |
| Mr. Blake       | Mr. Hunt         | Mr. Russell         |
| Mr. Boughton    | Mr. Jarvis       | Mr. Sager           |
| Mr. M. Brooks   | Mr. Jones        | Mr. Salisbury       |
| Mr. L. H. Brown | Mr. Kinne        | Mr. Searing         |
| Mr. A. H. Buell | Mr. Knapp        | Mr. Sears           |
| Mr. Burdick     | Mr. T. R. Lee    | Mr. Skelton         |
| Mr. Carpenter   | Mr. M'Donald     | Mr. A. C. Smith     |
| Mr. Chase       | Mr. M'Key        | Mr. Speaker         |
| Mr. Comstock    | Mr. Mather       | Mr. R. L. Stevenson |
| Mr. Constant    | Mr. Mersereau    | Mr. Tefft           |
| Mr. Crain       | Mr. C. B. Miller | Mr. Thayer          |
| Mr. Culver      | Mr. Morris       | Mr. Titus           |
| Mr. Danforth    | Mr. Newkirk      | Mr. Tuthill         |
| Mr. Fenn        | Mr. Oakley       | Mr. Whitney         |
| Mr. Fonda       |                  |                     |

58

Those who voted in the negative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Barber       | Mr. Garretson  | Mr. S. Miller       |
| Mr. Betts        | Mr. Gifford    | Mr. Morrison        |
| Mr. Bloss        | Mr. G. Gould   | Mr. Raymond         |
| Mr. Bowen        | Mr. Hammond    | Mr. Rice            |
| Mr. J. Brooks    | Mr. Hannum     | Mr. Ross            |
| Mr. S. A. Brown  | Mr. Hazelton   | Mr. W. Smith        |
| Mr. Bush         | Mr. Heermans   | Mr. Spring          |
| Mr. Coe          | Mr. Huntington | Mr. J. Stevenson    |
| Mr. Collins      | Mr. Johnson    | Mr. Strobbridge     |
| Mr. C. F. Crosby | Mr. D. Lee     | Mr. Tibbits         |
| Mr. Dewey        | Mr. Litchfield | Mr. Van Schoonhoven |
| Mr. Field        | Mr. M'Vean     | Mr. A. W. Young     |
| Mr. Frisbee      | Mr. Mann       |                     |

39

And those who were absent are

|               |              |                     |
|---------------|--------------|---------------------|
| Mr. Brower    | Mr. Hall     | Mr. Van Valkenburgh |
| Mr. T. Buel   | Mr. Harden   | Mr. Walrath         |
| Mr. Bunker    | Mr. Harris   | Mr. Wells           |
| Mr. Cameron   | Mr. Horton   | Mr. Wheeler         |
| Mr. Casner    | Mr. Long     | Mr. White           |
| Mr. E. Crosby | Mr. M'Carthy | Mr. Wilcox          |
| Mr. Dayton    | Mr. Moulton  | Mr. Worden          |
| Mr. De Puy    | Mr. Niven    | Mr. Wyckoff         |
| Mr. Dickson   | Mr. Sherman  | Mr. Wynant          |
| Mr. Edwards   | Mr. Sweeney  | Mr. J. Young        |
| Mr. Fellows   | Mr. Thompson |                     |

32

Mr. Whitney offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That a committee, to consist of one member from each senate district, be appointed by the Chair, whose duty it shall be, in conjunction with the Superintendent of Common Schools, to investigate, during the recess of the Legislature, and report to this House at its next session, relative to the expediency and practicability of simplifying the common school system, diminishing the number of officers created under the present law ; and to prepare a summary of the law, for the more convenient use of school districts, together with such facts and information as they may be able to procure, which shall advance the common school system, and to digest and report the details thereof for the action of the Legislature.

*Ordered*, That the said resolution be laid on the table.

On motion of Mr. Rice,

*Resolved*, That the bill from the Senate, entitled "An act for the relief of William M'Laughlin," be taken from the table, and committed to a committee of the whole house.

On motion of Mr. Crain,

*Resolved*, That the bill from the Senate, entitled "An act to change the names of William George Thurber and Frederick Thurber," be ordered to a third reading.

On motion of Mr. Bevens,

*Resolved*, That the bill from the Senate, entitled "An act to authorise the supervisors of the county of Montgomery to lay a tax upon the town of Palatine," be ordered to a third reading.

On motion of Mr. Bailey,

*Resolved*, That the bill entitled "An act extending the jurisdiction of justice's courts to suits against corporations," be ordered to a third reading.

On motion of Mr. Harris,

*Resolved*, That the bill entitled "An act in relation to the transportation of mineral coal upon the Erie canal," be referred to the same committee of the whole having in charge the bill entitled "An act to reduce the rate of interest of money."

On motion of Mr. Bevens,

*Resolved*, That the bill entitled "An act for the removal of insane convicts from the State prisons," be engrossed for a third reading.

On motion of Mr. Oakley,

*Resolved*, That the bill entitled "An act in relation to the militia," be referred to a select committee to report complete.

Mr. Oakley, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to amend an act entitled 'An act incorporating the Goshen and Albany Railroad Company,' passed April 12th, 1842 ;" and the bill entitled "An act for the relief of the devisee of William Vyse, late of the city of New-York, deceased," and found the same severally correctly engrossed.

*Ordered*, That the said bills do have their third reading.

On motion of Mr. Morrison,

*Resolved*, That the bill entitled "An act to incorporate the People's



Mutual Insurance Company in the city of New-York," be ordered to a third reading.

On motion of Mr. Harris,

*Resolved*, That the bill entitled "An act authorising the construction of a bridge across the Hudson river at the city of Albany," be referred to the committee of the whole having charge of the bill entitled "An act to reduce the rate of interest of money."

On motion of Mr. Fonda,

*Resolved*, That the bill entitled "An act for the relief of William M'Lachlin," and the bill entitled "An act for the relief of Samuel S. Riddle and others," be referred to the same committee of the whole that has in charge the bill entitled "An act to reduce the rate of interest of money."

On motion of Mr. Mann,

*Resolved*, That the bill entitled "An act to regulate the fare of passengers conveyed on certain railroads in this State," be ordered to a third reading.

By unanimous consent,

Mr. Niven, from the select committee to which was referred the bill entitled "An act to incorporate the village of Walkill," with instructions to report the same complete, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill do have its third reading.

Mr. T. R. Lee moved that the House reconsider the vote making certain bills a special order for this afternoon.

Mr. Fonda moved to lay the said motion of Mr. T. R. Lee upon the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Fonda, and it was determined in the negative.

Mr. Harris called for a division of the question.

Whereupon,

Mr. Speaker put the question whether the House would reconsider the vote making the bill entitled "An act to reduce the rate of interest of money," a special order for this afternoon, and it was determined in the negative.

|   |        |    |
|---|--------|----|
| { | AYES   | 44 |
|   | NAYS   | 54 |
|   | ABSENT | 30 |

The ayes and nays being required by ten members,

Those who voted in the affirmative are

Mr. Barber  
Mr. Billings  
Mr. Blake  
Mr. J. Brooks

Mr. Fenn  
Mr. Frisbee  
Mr. D. Gould  
Mr. Hammond

Mr. Preston  
Mr. Rogers  
Mr. Ross  
Mr. Searing

|                  |               |                     |
|------------------|---------------|---------------------|
| Mr. M. Brooks    | Mr. Hazelton  | Mr. Skelton         |
| Mr. L. H. Brown  | Mr. Howard    | Mr. Speaker         |
| Mr. S. A. Brown  | Mr. Jones     | Mr. R. L. Stevenson |
| Mr. A. H. Buell  | Mr. T. R. Lee | Mr. Tefft           |
| Mr. Bunker       | Mr. M'Donald  | Mr. Thompson        |
| Mr. Burdick      | Mr. M'Vean    | Mr. Titus           |
| Mr. Carpenter    | Mr. Mann      | Mr. Walrath         |
| Mr. Coe          | Mr. S. Miller | Mr. Wheeler         |
| Mr. Comstock     | Mr. Morrison  | Mr. White           |
| Mr. Constant     | Mr. Oakley    | Mr. A. W. Young     |
| Mr. C. F. Crosby | Mr. Pierce    |                     |

44

Those who voted in the negative are

|               |                  |                  |
|---------------|------------------|------------------|
| Mr. Bachman   | Mr. G. Goold     | Mr. Morris       |
| Mr. Bagg      | Mr. Gregory      | Mr. Newkirk      |
| Mr. Bailey    | Mr. Hannum       | Mr. Niven        |
| Mr. Betts     | Mr. Harris       | Mr. Pardee       |
| Mr. Bevens    | Mr. Heermans     | Mr. Porter       |
| Mr. Boughton  | Mr. Hervey       | Mr. Rice         |
| Mr. Bowen     | Mr. Hine         | Mr. Sager        |
| Mr. Bush      | Mr. Hunt         | Mr. Salisbury    |
| Mr. Chase     | Mr. Huntington   | Mr. Sears        |
| Mr. Collins   | Mr. Jarvis       | Mr. A. C. Smith  |
| Mr. Culver    | Mr. Johnson      | Mr. W. Smith     |
| Mr. Danforth  | Mr. Kinne        | Mr. Spring       |
| Mr. Dewey     | Mr. Knapp        | Mr. J. Stevenson |
| Mr. Edwards   | Mr. D. Lee       | Mr. Strobbridge  |
| Mr. Field     | Mr. Litchfield   | Mr. Sweeney      |
| Mr. Fonda     | Mr. M'Key        | Mr. Thayer       |
| Mr. Garretson | Mr. Mersereau    | Mr. Tutbill      |
| Mr. Gifford   | Mr. C. B. Miller | Mr. Whitney      |

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And those who were absent are

|               |              |                     |
|---------------|--------------|---------------------|
| Mr. Bloss     | Mr. Fellows  | Mr. Sherman         |
| Mr. Brower    | Mr. Hall     | Mr. Tibbits         |
| Mr. T. Buel   | Mr. Harden   | Mr. Van Schoonhoven |
| Mr. Cameron   | Mr. Horton   | Mr. Van Valkenburgh |
| Mr. Casner    | Mr. Long     | Mr. Wells           |
| Mr. Crain     | Mr. M'Carthy | Mr. Wilcox          |
| Mr. E. Crosby | Mr. Mather   | Mr. Worden          |
| Mr. Dayton    | Mr. Moulton  | Mr. Wyckoff         |
| Mr. De Puy    | Mr. Raymond  | Mr. Wynant          |
| Mr. Dickson   | Mr. Russell  | Mr. J. Young        |

30

The engrossed bill entitled "An act to amend an act entitled 'An act to incorporate the village of Warsaw,' passed April 17th, 1843," was read the third time.

Mr. Speaker put the question whether the House would agree to the

final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 94 | } |
| { | NAYS   | 00 | } |
| { | ABSENT | 34 | } |

Those who voted in the affirmative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Bachman      | Mr. Fonda      | Mr. Pardee          |
| Mr. Bagg         | Mr. Frisbee    | Mr. Pierce          |
| Mr. Bailey       | Mr. Garretson  | Mr. Porter          |
| Mr. Barber       | Mr. Gifford    | Mr. Raymond         |
| Mr. Betts        | Mr. D. Gould   | Mr. Rice            |
| Mr. Bevens       | Mr. G. Goold   | Mr. Rogers          |
| Mr. Billings     | Mr. Hammond    | Mr. Ross            |
| Mr. Blake        | Mr. Hannum     | Mr. Sager           |
| Mr. Bloss        | Mr. Harris     | Mr. Salisbury       |
| Mr. Boughton     | Mr. Heermans   | Mr. Searing         |
| Mr. Bowen        | Mr. Hervey     | Mr. Sears           |
| Mr. J. Brooks    | Mr. Hine       | Mr. Skelton         |
| Mr. M. Brooks    | Mr. Howard     | Mr. A. C. Smith     |
| Mr. L. H. Brown  | Mr. Hunt       | Mr. W. Smith        |
| Mr. S. A. Brown  | Mr. Jones      | Mr. Speaker         |
| Mr. A. H. Buell  | Mr. Kinne      | Mr. Spring          |
| Mr. Bunker       | Mr. Knapp      | Mr. J. Stevenson    |
| Mr. Burdick      | Mr. D. Lee     | Mr. R. L. Stevenson |
| Mr. Bush         | Mr. T. R. Lee  | Mr. Stobridge       |
| Mr. Carpenter    | Mr. Litchfield | Mr. Sweeney         |
| Mr. Chase        | Mr. M'Donald   | Mr. Tefft           |
| Mr. Coe          | Mr. M'Key      | Mr. Thayer          |
| Mr. Collins      | Mr. M'Vean     | Mr. Thompson        |
| Mr. Comstock     | Mr. Mann       | Mr. Tibbits         |
| Mr. Constant     | Mr. Mather     | Mr. Tuthill         |
| Mr. C. F. Crosby | Mr. S. Miller  | Mr. Walrath         |
| Mr. Culver       | Mr. Morris     | Mr. Wheeler         |
| Mr. Danforth     | Mr. Morrison   | Mr. White           |
| Mr. Dewey        | Mr. Newkirk    | Mr. Whitney         |
| Mr. Edwards      | Mr. Niven      | Mr. Wynant          |
| Mr. Fenn         | Mr. Oakley     | Mr. A. W. Young     |
| Mr. Field        |                |                     |

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And those who were absent are

|             |                |                     |
|-------------|----------------|---------------------|
| Mr. Brower  | Mr. Harden     | Mr. Preston         |
| Mr. T. Buel | Mr. Hazelton   | Mr. Russell         |
| Mr. Cameron | Mr. Horton     | Mr. Sherman         |
| Mr. Casner  | Mr. Huntington | Mr. Titus           |
| Mr. Crain   | Mr. Jarvis     | Mr. Van Schoonhoven |

|               |                  |                     |
|---------------|------------------|---------------------|
| Mr. E. Crosby | Mr. Johnson      | Mr. Van Valkenburgh |
| Mr. Dayton    | Mr. Long         | Mr. Wells           |
| Mr. De Puy    | Mr. M'Carthy     | Mr. Wilcox          |
| Mr. Dickson   | Mr. Mersereau    | Mr. Worden          |
| Mr. Fellows   | Mr. C. B. Miller | Mr. Wyckoff         |
| Mr. Gregory   | Mr. Moulton      | Mr. J. Young        |
| Mr. Hall      |                  |                     |

34

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to provide for the construction of a railroad from the village of Canandaigua in the county of Ontario, to the village of Corning in the county of Steuben," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |     |   |
|---|--------|-----|---|
| { | AYES   | 105 | } |
| { | NAYS   | 00  | } |
| { | ABSENT | 23  | } |

Those who voted in the affirmative are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Bachman     | Mr. Gifford    | Mr. Pierce          |
| Mr. Bagg        | Mr. D. Gould   | Mr. Porter          |
| Mr. Bailey      | Mr. G. Goold   | Mr. Preston         |
| Mr. Barber      | Mr. Hammond    | Mr. Raymond         |
| Mr. Betts       | Mr. Hannum     | Mr. Rice            |
| Mr. Bevens      | Mr. Harden     | Mr. Rogers          |
| Mr. Billings    | Mr. Harris     | Mr. Ross            |
| Mr. Blake       | Mr. Hazelton   | Mr. Russell         |
| Mr. Bloss       | Mr. Heermans   | Mr. Sager           |
| Mr. Boughton    | Mr. Hervey     | Mr. Salisbury       |
| Mr. Bowen       | Mr. Hine       | Mr. Searing         |
| Mr. J. Brooks   | Mr. Horton     | Mr. Sears           |
| Mr. M. Brooks   | Mr. Howard     | Mr. Sherman         |
| Mr. L. H. Brown | Mr. Hunt       | Mr. Skelton         |
| Mr. S. A. Brown | Mr. Huntington | Mr. A. C. Smith     |
| Mr. A. H. Buell | Mr. Jarvis     | Mr. W. Smith        |
| Mr. Bunker      | Mr. Johnson    | Mr. Speaker         |
| Mr. Burdick     | Mr. Kinne      | Mr. Spring          |
| Mr. Bush        | Mr. Knapp      | Mr. J. Stevenson    |
| Mr. Carpenter   | Mr. T. R. Lee  | Mr. R. L. Stevenson |
| Mr. Casner      | Mr. Litchfield | Mr. Strobidge       |
| Mr. Chase       | Mr. M'Donald   | Mr. Sweeney         |
| Mr. Coe         | Mr. M'Key      | Mr. Tefft           |
| Mr. Collins     | Mr. M'Vean     | Mr. Thayer          |
| Mr. Comstock    | Mr. Mann       | Mr. Thompson        |



|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. C. F. Crosby | Mr. Mather       | Mr. Tibbits         |
| Mr. Culver       | Mr. Mersereau    | Mr. Tutthill        |
| Mr. Danforth     | Mr. C. B. Miller | Mr. Van Schoonhoven |
| Mr. Dewey        | Mr. S. Miller    | Mr. Walrath         |
| Mr. Edwards      | Mr. Morris       | Mr. Wheeler         |
| Mr. Fenn         | Mr. Morrison     | Mr. White           |
| Mr. Field        | Mr. Newkirk      | Mr. Whitney         |
| Mr. Fonda        | Mr. Niven        | Mr. Wilcox          |
| Mr. Frisbee      | Mr. Oakley       | Mr. Wynant          |
| Mr. Garretson    | Mr. Pardee       | Mr. A. W. Young 105 |

And those who were absent are

|               |              |                     |
|---------------|--------------|---------------------|
| Mr. Brower    | Mr. Dickson  | Mr. Moulton         |
| Mr. T. Buel   | Mr. Fellows  | Mr. Titus           |
| Mr. Cameron   | Mr. Gregory  | Mr. Van Valkenburgh |
| Mr. Constant  | Mr. Hall     | Mr. Wells           |
| Mr. Crain     | Mr. Jones    | Mr. Worden          |
| Mr. E. Crosby | Mr. D. Lee   | Mr. Wyckoff         |
| Mr. Dayton    | Mr. Long     | Mr. J. Young        |
| Mr. De Puy    | Mr. M'Carthy | 23                  |

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill from the Senate, entitled "An act to increase the capital of the Common School fund," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 95 | } |
| { | NAYS   | 09 | } |
| { | ABSENT | 24 | } |

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |              |                 |
|-----------------|--------------|-----------------|
| Mr. Bachman     | Mr. Gifford  | Mr. Pierce      |
| Mr. Bagg        | Mr. D. Gould | Mr. Preston     |
| Mr. Barber      | Mr. G. Goold | Mr. Raymond     |
| Mr. Betts       | Mr. Gregory  | Mr. Rice        |
| Mr. Bevins      | Mr. Hammond  | Mr. Rogers      |
| Mr. Billings    | Mr. Hannum   | Mr. Ross        |
| Mr. Blake       | Mr. Harden   | Mr. Russell     |
| Mr. Bloss       | Mr. Harris   | Mr. Sager       |
| Mr. Boughton    | Mr. Hazelton | Mr. Salisbury   |
| Mr. Bowen       | Mr. Heermans | Mr. Searing     |
| Mr. M. Brooks   | Mr. Hervey   | Mr. Sherman     |
| Mr. L. H. Brown | Mr. Hine     | Mr. Skelton     |
| Mr. S. A. Brown | Mr. Horton   | Mr. A. C. Smith |

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. A. H. Buell  | Mr. Howard     | Mr. W. Smith        |
| Mr. Bunker       | Mr. Hunt       | Mr. Spring          |
| Mr. Burdick      | Mr. Huntington | Mr. J. Stevenson    |
| Mr. Bush         | Mr. Jarvis     | Mr. R. L. Stevenson |
| Mr. Casner       | Mr. Johnson    | Mr. Strobbridge     |
| Mr. Chase        | Mr. Jones      | Mr. Sweeney         |
| Mr. Coe          | Mr. Knapp      | Mr. Tefft           |
| Mr. Collins      | Mr. T. R. Lee  | Mr. Thayer          |
| Mr. Comstock     | Mr. Litchfield | Mr. Thompson        |
| Mr. C. F. Crosby | Mr. M'Donald   | Mr. Tibbits         |
| Mr. Culver       | Mr. M'Vean     | Mr. Van Schoonhoven |
| Mr. Danforth     | Mr. Mann       | Mr. Walrath         |
| Mr. Dewey        | Mr. Mather     | Mr. Wheeler         |
| Mr. Edwards      | Mr. Mersereau  | Mr. White           |
| Mr. Fenn         | Mr. S. Miller  | Mr. Wilcox          |
| Mr. Field        | Mr. Morrison   | Mr. Wyckoff         |
| Mr. Fonda        | Mr. Newkirk    | Mr. Wynant          |
| Mr. Frisbee      | Mr. Oakley     | Mr. A. W. Young     |
| Mr. Garretson    | Mr. Pardee     |                     |

95

Those who voted in the negative are

|               |            |             |
|---------------|------------|-------------|
| Mr. Bailey    | Mr. M'Key  | Mr. Sears   |
| Mr. J. Brooks | Mr. Niven  | Mr. Speaker |
| Mr. Kinne     | Mr. Porter | Mr. Tuthill |

9

And those who were absent are

|               |                  |                     |
|---------------|------------------|---------------------|
| Mr. Brower    | Mr. De Puy       | Mr. Morris          |
| Mr. T. Buel   | Mr. Dickson      | Mr. Moulton         |
| Mr. Cameron   | Mr. Fellows      | Mr. Titus           |
| Mr. Carpenter | Mr. Hall         | Mr. Van Valkenburgh |
| Mr. Constant  | Mr. D. Lee       | Mr. Wells           |
| Mr. Crain     | Mr. Long         | Mr. Whitney         |
| Mr. E. Crosby | Mr. M'Carthy     | Mr. Worden          |
| Mr. Dayton    | Mr. C. B. Miller | Mr. J. Young        |

24

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The engrossed bill entitled "An act in relation to the State Prison at Auburn," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act for the relief of the devisee of William Vyse, late of the city of New-York, deceased," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 99 | } |
| { | NAYS   | 00 | } |
| { | ABSENT | 29 | } |

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Garretson    | Mr. Pierce          |
| Mr. Bagg         | Mr. Gifford      | Mr. Porter          |
| Mr. Bailey       | Mr. D. Gould     | Mr. Preston         |
| Mr. Barber       | Mr. G. Goold     | Mr. Raymond         |
| Mr. Betts        | Mr. Gregory      | Mr. Rice            |
| Mr. Bevins       | Mr. Hammond      | Mr. Rogers          |
| Mr. Billings     | Mr. Hannum       | Mr. Ross            |
| Mr. Blake        | Mr. Harris       | Mr. Russell         |
| Mr. Bloss        | Mr. Hazelton     | Mr. Sager           |
| Mr. Boughton     | Mr. Hervey       | Mr. Salisbury       |
| Mr. Bowen        | Mr. Hine         | Mr. Searing         |
| Mr. J. Brooks    | Mr. Howard       | Mr. Sears           |
| Mr. M. Brooks    | Mr. Hunt         | Mr. Sherman         |
| Mr. L. H. Brown  | Mr. Huntington   | Mr. W. Smith        |
| Mr. S. A. Brown  | Mr. Jarvis       | Mr. Speaker         |
| Mr. A. H. Buell  | Mr. Johnson      | Mr. Spring          |
| Mr. Bunker       | Mr. Jones        | Mr. J. Stevenson    |
| Mr. Burdick      | Mr. Kinne        | Mr. R. L. Stevenson |
| Mr. Bush         | Mr. Knapp        | Mr. Strobbridge     |
| Mr. Carpenter    | Mr. T. R. Lee    | Mr. Sweeney         |
| Mr. Casner       | Mr. Litchfield   | Mr. Tefft           |
| Mr. Chase        | Mr. M'Donald     | Mr. Thayer          |
| Mr. Coe          | Mr. M'Key        | Mr. Thompson        |
| Mr. Collins      | Mr. M'Vean       | Mr. Tibbits         |
| Mr. Comstock     | Mr. Mersereau    | Mr. Van Schoonhoven |
| Mr. C. F. Crosby | Mr. C. B. Miller | Mr. Walrath         |
| Mr. Culver       | Mr. S. Miller    | Mr. Wheeler         |
| Mr. Danforth     | Mr. Morris       | Mr. White           |
| Mr. Dewey        | Mr. Morrison     | Mr. Whitney         |
| Mr. Edwards      | Mr. Newkirk      | Mr. Wilcox          |
| Mr. Fenn         | Mr. Niven        | Mr. Wyckoff         |
| Mr. Field        | Mr. Oakley       | Mr. Wynant          |
| Mr. Frisbee      | Mr. Pardee       | Mr. A. W. Young 99  |

And those who were absent are

|               |              |                     |
|---------------|--------------|---------------------|
| Mr. Brower    | Mr. Fonda    | Mr. Moulton         |
| Mr. T. Buel   | Mr. Hall     | Mr. Skelton         |
| Mr. Cameron   | Mr. Harden   | Mr. A. C. Smith     |
| Mr. Constant  | Mr. Heermans | Mr. Titus           |
| Mr. Crain     | Mr. Horton   | Mr. Tuthill         |
| Mr. E. Crosby | Mr. D. Lee   | Mr. Van Valkenburgh |
| Mr. Dayton    | Mr. Long     | Mr. Wells           |
| Mr. De Puy    | Mr. M'Carthy | Mr. Worden          |
| Mr. Dickson   | Mr. Mann     | Mr. J. Young        |
| Mr. Fellows   | Mr. Mather   |                     |

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to incorporate the Rome Water-works Company," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 93 | } |
| { | NAYS   | 01 | } |
| { | ABSENT | 34 | } |

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. G. Goold     | Mr. Porter          |
| Mr. Bagg         | Mr. Gregory      | Mr. Preston         |
| Mr. Bailey       | Mr. Hammond      | Mr. Rice            |
| Mr. Barber       | Mr. Hannum       | Mr. Rogers          |
| Mr. Bevens       | Mr. Harris       | Mr. Ross            |
| Mr. Billings     | Mr. Hazelton     | Mr. Russell         |
| Mr. Blake        | Mr. Heermans     | Mr. Sager           |
| Mr. Bloss        | Mr. Hervey       | Mr. Salisbury       |
| Mr. Boughton     | Mr. Hine         | Mr. Searing         |
| Mr. J. Brooks    | Mr. Howard       | Mr. Sears           |
| Mr. M. Brooks    | Mr. Hunt         | Mr. Sherman         |
| Mr. L. H. Brown  | Mr. Huntington   | Mr. Skelton         |
| Mr. S. A. Brown  | Mr. Jarvis       | Mr. Speaker         |
| Mr. Burdick      | Mr. Johnson      | Mr. Spring          |
| Mr. Casner       | Mr. Jones        | Mr. J. Stevenson    |
| Mr. Chase        | Mr. Kinne        | Mr. R. L. Stevenson |
| Mr. Coe          | Mr. Knapp        | Mr. Strobbridge     |
| Mr. Collins      | Mr. T. R. Lee    | Mr. Sweeney         |
| Mr. Comstock     | Mr. Litchfield   | Mr. Tefft           |
| Mr. C. F. Crosby | Mr. M'Donald     | Mr. Thayer          |
| Mr. Culver       | Mr. M'Key        | Mr. Thompson        |
| Mr. Dewey        | Mr. M'Vean       | Mr. Tuthill         |
| Mr. Dickson      | Mr. Mather       | Mr. Van Schoonhoven |
| Mr. Edwards      | Mr. Mersereau    | Mr. Walrath         |
| Mr. Fenn         | Mr. C. B. Miller | Mr. Wheeler         |
| Mr. Field        | Mr. S. Miller    | Mr. White           |
| Mr. Fonda        | Mr. Morris       | Mr. Whitney         |
| Mr. Frisbee      | Mr. Morrison     | Mr. Wilcox          |
| Mr. Garretson    | Mr. Niven        | Mr. Wyckoff         |
| Mr. Gifford      | Mr. Oakley       | Mr. Wynant          |
| Mr. D. Gould     | Mr. Pierce       | Mr. A. W. Young 93  |

For the negative,

Mr. Bush



And those who were absent are

|                 |              |                     |
|-----------------|--------------|---------------------|
| Mr. Betts       | Mr. Dayton   | Mr. Newkirk         |
| Mr. Bowen       | Mr. De Puy   | Mr. Pardee          |
| Mr. Brower      | Mr. Fellows  | Mr. Raymond         |
| Mr. A. H. Buell | Mr. Hall     | Mr. A. C. Smith     |
| Mr. T. Buel     | Mr. Harden   | Mr. W. Smith        |
| Mr. Bunker      | Mr. Horton   | Mr. Tibbits         |
| Mr. Cameron     | Mr. D. Lee   | Mr. Titus           |
| Mr. Carpenter   | Mr. Long     | Mr. Van Valkenburgh |
| Mr. Constant    | Mr. M'Carthy | Mr. Wells           |
| Mr. Crain       | Mr. Mann     | Mr. Worden          |
| Mr. E. Crosby   | Mr. Moulton  | Mr. J. Young        |
| Mr. Danforth    |              |                     |

34

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to incorporate the Hydepark Fire Company," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 97 | } |
| { | NAYS   | 00 | } |
| { | ABSENT | 31 | } |

Those who voted in the affirmative are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Bachman     | Mr. D. Gould   | Mr. Porter          |
| Mr. Bagg        | Mr. G. Goold   | Mr. Preston         |
| Mr. Barber      | Mr. Gregory    | Mr. Rice            |
| Mr. Betts       | Mr. Hammond    | Mr. Rogers          |
| Mr. Bevens      | Mr. Hannum     | Mr. Ross            |
| Mr. Billings    | Mr. Harden     | Mr. Russell         |
| Mr. Blake       | Mr. Harris     | Mr. Sager           |
| Mr. Bloss       | Mr. Hazelton   | Mr. Salisbury       |
| Mr. Bowen       | Mr. Heermans   | Mr. Searing         |
| Mr. J. Brooks   | Mr. Hervey     | Mr. Sears           |
| Mr. M. Brooks   | Mr. Howard     | Mr. Sherman         |
| Mr. L. H. Brown | Mr. Hunt       | Mr. Skelton         |
| Mr. S. A. Brown | Mr. Huntington | Mr. W. Smith        |
| Mr. A. H. Buell | Mr. Jarvis     | Mr. Speaker         |
| Mr. Bunker      | Mr. Johnson    | Mr. Spring          |
| Mr. Burdick     | Mr. Jones      | Mr. J. Stevenson    |
| Mr. Bush        | Mr. Kinne      | Mr. R. L. Stevenson |
| Mr. Carpenter   | Mr. Knapp      | Mr. Sweeney         |
| Mr. Chase       | Mr. Litchfield | Mr. Tefft           |
| Mr. Coe         | Mr. M'Donald   | Mr. Thayer          |

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Collins      | Mr. M'Key        | Mr. Thompson        |
| Mr. Comstock     | Mr. M'Vean       | Mr. Tibbits         |
| Mr. C. F. Crosby | Mr. Mann         | Mr. Tuthill         |
| Mr. Culver       | Mr. Mather       | Mr. Van Schoonhoven |
| Mr. Danforth     | Mr. Mersereau    | Mr. Walrath         |
| Mr. Dewey        | Mr. C. B. Miller | Mr. Wheeler         |
| Mr. Dickson      | Mr. S. Miller    | Mr. White           |
| Mr. Edwards      | Mr. Morris       | Mr. Whitney         |
| Mr. Field        | Mr. Morrison     | Mr. Wilcox          |
| Mr. Fonda        | Mr. Niven        | Mr. Wyckoff         |
| Mr. Frisbee      | Mr. Oakley       | Mr. Wynant          |
| Mr. Garretson    | Mr. Pierce       | Mr. A. W. Young     |
| Mr. Gifford      |                  |                     |

97

And those who were absent are

|               |               |                     |
|---------------|---------------|---------------------|
| Mr. Bailey    | Mr. Fellows   | Mr. Newkirk         |
| Mr. Boughton  | Mr. Fenn      | Mr. Pardee          |
| Mr. Brower    | Mr. Hall      | Mr. Raymond         |
| Mr. T. Buel   | Mr. Hine      | Mr. A. C. Smith     |
| Mr. Cameron   | Mr. Horton    | Mr. Strobbridge     |
| Mr. Casner    | Mr. D. Lee    | Mr. Titus           |
| Mr. Constant  | Mr. T. R. Lee | Mr. Van Valkenburgh |
| Mr. Crain     | Mr. Long      | Mr. Wells           |
| Mr. E. Crosby | Mr. M'Carthy  | Mr. Worden          |
| Mr. Dayton    | Mr. Moulton   | Mr. J. Young        |
| Mr. De Puy    |               |                     |

31

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act for the protection of persons keeping boarding houses," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to authorise the appropriation of a portion of the towing path of the abandoned canal in the town of Glen in the county of Montgomery, to the purposes of a public highway;" and the bill entitled "An act to incorporate the Esrath Yethomin Vealmonoth, or Mutual Assistance Society for widows and orphans of the Jewish persuasion," and found the same severally correctly engrossed.

*Ordered*, That the said bills do have their third reading.

The engrossed bill entitled "An act to revive the charter of the Watertown and Rome Railroad Company," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 97 | } |
|   | NAYS   | 03 |   |
|   | ABSENT | 28 |   |

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. D. Gould     | Mr. Preston         |
| Mr. Bagg         | Mr. Gregory      | Mr. Rice            |
| Mr. Barber       | Mr. Hammond      | Mr. Rogers          |
| Mr. Betts        | Mr. Hannum       | Mr. Ross            |
| Mr. Bevens       | Mr. Harden       | Mr. Russell         |
| Mr. Billings     | Mr. Harris       | Mr. Sager           |
| Mr. Blake        | Mr. Hazelton     | Mr. Salisbury       |
| Mr. Bloss        | Mr. Heermans     | Mr. Searing         |
| Mr. Boughton     | Mr. Hervey       | Mr. Sears           |
| Mr. Bowen        | Mr. Howard       | Mr. Sherman         |
| Mr. J. Brooks    | Mr. Huntington   | Mr. A. C. Smith     |
| Mr. M. Brooks    | Mr. Jarvis       | Mr. W. Smith        |
| Mr. L. H. Brown  | Mr. Johnson      | Mr. Speaker         |
| Mr. S. A. Brown  | Mr. Kinne        | Mr. Spring          |
| Mr. Bunker       | Mr. Knapp        | Mr. J. Stevenson    |
| Mr. Burdick      | Mr. T. R. Lee    | Mr. R. L. Stevenson |
| Mr. Carpenter    | Mr. Litchfield   | Mr. Sweeney         |
| Mr. Chase        | Mr. M'Donald     | Mr. Tefft           |
| Mr. Coe          | Mr. M'Key        | Mr. Thayer          |
| Mr. Collins      | Mr. M'Vean       | Mr. Thompson        |
| Mr. Comstock     | Mr. Mann         | Mr. Tibbits         |
| Mr. C. F. Crosby | Mr. Mather       | Mr. Titus           |
| Mr. Culver       | Mr. Mersereau    | Mr. Tuthill         |
| Mr. Danforth     | Mr. C. B. Miller | Mr. Van Schoonhoven |
| Mr. Dewey        | Mr. S. Miller    | Mr. Walrath         |
| Mr. Dickson      | Mr. Morris       | Mr. Wheeler         |
| Mr. Edwards      | Mr. Morrison     | Mr. White           |
| Mr. Fenn         | Mr. Newkirk      | Mr. Whitney         |
| Mr. Field        | Mr. Niven        | Mr. Wilcox          |
| Mr. Fonda        | Mr. Oakley       | Mr. Wyckoff         |
| Mr. Frisbee      | Mr. Pierce       | Mr. Wynant          |
| Mr. Garretson    | Mr. Porter       | Mr. A. W. Young     |
| Mr. Gifford      |                  |                     |

97

Those who voted in the negative are

|          |              |             |   |
|----------|--------------|-------------|---|
| Mr. Bush | Mr. G. Goold | Mr. Raymond | 3 |
|----------|--------------|-------------|---|

And those who were absent are

|                 |             |              |
|-----------------|-------------|--------------|
| Mr. Bailey      | Mr. De Puy  | Mr. M'Carthy |
| Mr. Brower      | Mr. Fellows | Mr. Moulton  |
| Mr. A. H. Buell | Mr. Hall    | Mr. Pardee   |
| Mr. T. Buel     | Mr. Hine    | Mr. Skelton  |

|               |            |                     |
|---------------|------------|---------------------|
| Mr. Cameron   | Mr. Horton | Mr. Strobidge       |
| Mr. Casner    | Mr. Hunt   | Mr. Van Valkenburgh |
| Mr. Constant  | Mr. Jones  | Mr. Wells           |
| Mr. Crain     | Mr. D. Lee | Mr. Worden          |
| Mr. E. Crosby | Mr. Long   | Mr. J. Young        |
| Mr. Dayton    |            |                     |

28

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to revive an act to provide for the construction of a railroad from Watertown in the county of Jefferson, to Cape Vincent, passed May 16, 1836," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 91 | } |
| { | NAYS   | 02 | } |
| { | ABSENT | 35 | } |

Those who voted in the affirmative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. G. Goold     | Mr. Preston         |
| Mr. Bagg        | Mr. Gregory      | Mr. Rice            |
| Mr. Barber      | Mr. Hammond      | Mr. Rogers          |
| Mr. Betts       | Mr. Hannum       | Mr. Ross            |
| Mr. Bevens      | Mr. Harris       | Mr. Russell         |
| Mr. Billings    | Mr. Heermans     | Mr. Sager           |
| Mr. Blake       | Mr. Hervey       | Mr. Salisbury       |
| Mr. Bloss       | Mr. Howard       | Mr. Sears           |
| Mr. Boughton    | Mr. Hunt         | Mr. Sherman         |
| Mr. Bowen       | Mr. Huntington   | Mr. Skelton         |
| Mr. J. Brooks   | Mr. Jarvis       | Mr. A. C. Smith     |
| Mr. M. Brooks   | Mr. Johnson      | Mr. W. Smith        |
| Mr. L. H. Brown | Mr. Kinne        | Mr. Speaker         |
| Mr. S. A. Brown | Mr. Knapp        | Mr. Spring          |
| Mr. Bunker      | Mr. T. R. Lee    | Mr. J. Stevenson    |
| Mr. Burdick     | Mr. Litchfield   | Mr. R. L. Stevenson |
| Mr. Carpenter   | Mr. M'Donald     | Mr. Sweeney         |
| Mr. Chase       | Mr. M'Key        | Mr. Tefft           |
| Mr. Coe         | Mr. M'Vean       | Mr. Thayer          |
| Mr. Comstock    | Mr. Mann         | Mr. Thompson        |
| Mr. Culver      | Mr. Mather       | Mr. Titus           |
| Mr. Danforth    | Mr. Mersereau    | Mr. Tuthill         |
| Mr. Dewey       | Mr. C. B. Miller | Mr. Van Schoonhoven |
| Mr. Edwards     | Mr. S. Miller    | Mr. Walrath         |
| Mr. Fenn        | Mr. Morris       | Mr. Wheeler         |
| Mr. Field       | Mr. Morrison     | Mr. White           |
| Mr. Fonda       | Mr. Newkirk      | Mr. Wilcox          |



|               |            |                 |
|---------------|------------|-----------------|
| Mr. Frisbee   | Mr. Niven  | Mr. Wyckoff     |
| Mr. Garretson | Mr. Oakley | Mr. Wynant      |
| Mr. Gifford   | Mr. Porter | Mr. A. W. Young |
| Mr. D. Gould  |            |                 |

91

Those who voted in the negative are

|          |             |   |
|----------|-------------|---|
| Mr. Bush | Mr. Whitney | 2 |
|----------|-------------|---|

And those who were absent are

|                  |              |                     |
|------------------|--------------|---------------------|
| Mr. Bailey       | Mr. De Puy   | Mr. Moulton         |
| Mr. Brower       | Mr. Dickson  | Mr. Pardee          |
| Mr. A. H. Buell  | Mr. Fellows  | Mr. Pierce          |
| Mr. T. Buel      | Mr. Hall     | Mr. Raymond         |
| Mr. Cameron      | Mr. Harden   | Mr. Searing         |
| Mr. Casner       | Mr. Hazelton | Mr. Strobridge      |
| Mr. Collins      | Mr. Hine     | Mr. Tibbits         |
| Mr. Constant     | Mr. Horton   | Mr. Van Valkenburgh |
| Mr. Crain        | Mr. Jones    | Mr. Wells           |
| Mr. C. F. Crosby | Mr. D. Lee   | Mr. Worden          |
| Mr. E. Crosby    | Mr. Long     | Mr. J. Young        |
| Mr. Dayton       | Mr. M'Carthy |                     |

35

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The House then proceeded to the consideration of the motion heretofore made by Mr. Bailey, to reconsider the vote on the final passage of the bill entitled "An act authorising the president, directors and company of the western branch of the Scholarie Turnpike Company to remove their toll-gate on said road in the town of Cobleskill."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Bailey, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |
|---|--------|----|
| { | AYES   | 86 |
|   | NAYS   | 08 |
|   | ABSENT | 34 |

Those who voted in the affirmative are

|              |               |               |
|--------------|---------------|---------------|
| Mr. Bachman  | Mr. Fonda     | Mr. Raymond   |
| Mr. Bagg     | Mr. Frisbee   | Mr. Rice      |
| Mr. Bailey   | Mr. Garretson | Mr. Rogers    |
| Mr. Barber   | Mr. Gifford   | Mr. Ross      |
| Mr. Betts    | Mr. G. Goold  | Mr. Sager     |
| Mr. Bevens   | Mr. Gregory   | Mr. Salisbury |
| Mr. Billings | Mr. Hammond   | Mr. Searing   |
| Mr. Blake    | Mr. Harden    | Mr. Sears     |

|                  |                  |                  |
|------------------|------------------|------------------|
| Mr. Bloss        | Mr. Hazelton     | Mr. Sherman      |
| Mr. Bowen        | Mr. Heermans     | Mr. Skelton      |
| Mr. J. Brooks    | Mr. Hervey       | Mr. A. C. Smith  |
| Mr. L. H. Brown  | Mr. Hunt         | Mr. W. Smith     |
| Mr. S. A. Brown  | Mr. Huntington   | Mr. Speaker      |
| Mr. A. H. Buell  | Mr. Jarvis       | Mr. Spring       |
| Mr. Bunker       | Mr. Jones        | Mr. J. Stevenson |
| Mr. Burdick      | Mr. Litchfield   | Mr. Sweeney      |
| Mr. Bush         | Mr. M'Key        | Mr. Tefft        |
| Mr. Carpenter    | Mr. M'Vean       | Mr. Thompson     |
| Mr. Chase        | Mr. Mann         | Mr. Titus        |
| Mr. Coe          | Mr. Mather       | Mr. Tuthill      |
| Mr. Comstock     | Mr. Mersereau    | Mr. Walrath      |
| Mr. Constant     | Mr. C. B. Miller | Mr. Wheeler      |
| Mr. C. F. Crosby | Mr. S. Miller    | Mr. White        |
| Mr. Culver       | Mr. Morris       | Mr. Whitney      |
| Mr. Danforth     | Mr. Morrison     | Mr. Wilcox       |
| Mr. Dewey        | Mr. Newkirk      | Mr. Wyckoff      |
| Mr. Edwards      | Mr. Niven        | Mr. Wynant       |
| Mr. Fenn         | Mr. Oakley       | Mr. A. W. Young  |
| Mr. Field        | Mr. Pierce       |                  |

86

Those who voted in the negative are

|              |             |                     |
|--------------|-------------|---------------------|
| Mr. Boughton | Mr. Johnson | Mr. R. L. Stevenson |
| Mr. D. Gould | Mr. Kinne   | Mr. Thayer          |
| Mr. Howard   | Mr. Porter  |                     |

8

And those who were absent are

|               |               |                     |
|---------------|---------------|---------------------|
| Mr. M. Brooks | Mr. Hall      | Mr. Moulton         |
| Mr. Brower    | Mr. Hannum    | Mr. Pardee          |
| Mr. T. Buel   | Mr. Harris    | Mr. Preston         |
| Mr. Cameron   | Mr. Hine      | Mr. Russell         |
| Mr. Casner    | Mr. Horton    | Mr. Strobbridge     |
| Mr. Collins   | Mr. Knapp     | Mr. Tibbits         |
| Mr. Crain     | Mr. D. Lee    | Mr. Van Schoonhoven |
| Mr. E. Crosby | Mr. T. R. Lee | Mr. Van Valkenburgh |
| Mr. Dayton    | Mr. Long      | Mr. Wells           |
| Mr. De Puy    | Mr. M'Carthy  | Mr. Worden          |
| Mr. Dickson   | Mr. M'Donald  | Mr. J. Young        |
| Mr. Fellows   |               |                     |

34

Mr. Speaker then put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 92 | } |
| { | NAYS   | 08 | } |
| { | ABSENT | 28 | } |

## Those who voted in the affirmative are

|                  |                  |                  |
|------------------|------------------|------------------|
| Mr. Bachman      | Mr. Garretson    | Mr. Pardee       |
| Mr. Bagg         | Mr. Gifford      | Mr. Pierce       |
| Mr. Bailey       | Mr. G. Goold     | Mr. Preston      |
| Mr. Barber       | Mr. Gregory      | Mr. Raymond      |
| Mr. Betts        | Mr. Hammond      | Mr. Rice         |
| Mr. Bevens       | Mr. Hannum       | Mr. Rogers       |
| Mr. Billings     | Mr. Harden       | Mr. Ross         |
| Mr. Blake        | Mr. Heermans     | Mr. Sager        |
| Mr. Bloss        | Mr. Hervey       | Mr. Salisbury    |
| Mr. Bowen        | Mr. Hine         | Mr. Searing      |
| Mr. M. Brooks    | Mr. Horton       | Mr. Sears        |
| Mr. L. H. Brown  | Mr. Hunt         | Mr. Sherman      |
| Mr. S. A. Brown  | Mr. Huntington   | Mr. Skelton      |
| Mr. A. H. Buell  | Mr. Jarvis       | Mr. A. C. Smith  |
| Mr. Bunker       | Mr. Jones        | Mr. W. Smith     |
| Mr. Burdick      | Mr. Kinne        | Mr. Speaker      |
| Mr. Bush         | Mr. Knapp        | Mr. Spring       |
| Mr. Carpenter    | Mr. T. R. Lee    | Mr. J. Stevenson |
| Mr. Casner       | Mr. Litchfield   | Mr. Sweeney      |
| Mr. Chase        | Mr. M'Key        | Mr. Tefft        |
| Mr. Coe          | Mr. M'Vean       | Mr. Thompson     |
| Mr. Constant     | Mr. Mann         | Mr. Titus        |
| Mr. C. F. Crosby | Mr. Mather       | Mr. Tuthill      |
| Mr. Culver       | Mr. Mersereau    | Mr. Walrath      |
| Mr. Danforth     | Mr. C. B. Miller | Mr. Wheeler      |
| Mr. Dewey        | Mr. S. Miller    | Mr. White        |
| Mr. Edwards      | Mr. Morris       | Mr. Wilcox       |
| Mr. Fenn         | Mr. Morrison     | Mr. Wyckoff      |
| Mr. Field        | Mr. Newkirk      | Mr. Wynant       |
| Mr. Fonda        | Mr. Niven        | Mr. A. W. Young  |
| Mr. Frisbee      | Mr. Oakley       |                  |

92

## Those who voted in the negative are

|               |              |                     |
|---------------|--------------|---------------------|
| Mr. Boughton  | Mr. Hazelton | Mr. R. L. Stevenson |
| Mr. J. Brooks | Mr. Howard   | Mr. Thayer          |
| Mr. D. Gould  | Mr. Johnson  |                     |

8

## And those who were absent are

|               |              |                     |
|---------------|--------------|---------------------|
| Mr. Brower    | Mr. Fellows  | Mr. Russell         |
| Mr. T. Buel   | Mr. Hall     | Mr. Strobbridge     |
| Mr. Cameron   | Mr. Harris   | Mr. Tibbits         |
| Mr. Collins   | Mr. D. Lee   | Mr. Van Schoonhoven |
| Mr. Comstock  | Mr. Long     | Mr. Van Valkenburgh |
| Mr. Crain     | Mr. M'Carthy | Mr. Wells           |
| Mr. E. Crosby | Mr. M'Donald | Mr. Whitney         |
| Mr. Dayton    | Mr. Moulton  | Mr. Worden          |
| Mr. De Puy    | Mr. Porter   | Mr. J. Young        |
| Mr. Dickson   |              |                     |

28

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to authorise the appropriation of a portion of the towing path of the abandoned canal in the town of Glen in the county of Montgomery, to the purposes of a public highway," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act relative to the city of Brooklyn," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 86 | } |
| { | NAYS   | 00 | } |
| { | ABSENT | 42 | } |

Those who voted in the affirmative are

|                 |                  |                  |
|-----------------|------------------|------------------|
| Mr. Bachman     | Mr. Garretson    | Mr. Oakley       |
| Mr. Bagg        | Mr. Gifford      | Mr. Pardee       |
| Mr. Bailey      | Mr. D. Gould     | Mr. Pierce       |
| Mr. Barber      | Mr. G. Goold     | Mr. Raymond      |
| Mr. Betts       | Mr. Gregory      | Mr. Rice         |
| Mr. Bevens      | Mr. Hammond      | Mr. Rogers       |
| Mr. Billings    | Mr. Hannum       | Mr. Ross         |
| Mr. Blake       | Mr. Hazelton     | Mr. Sager        |
| Mr. Boughton    | Mr. Heermans     | Mr. Salisbury    |
| Mr. J. Brooks   | Mr. Hervey       | Mr. Searing      |
| Mr. M. Brooks   | Mr. Hine         | Mr. Sears        |
| Mr. L. H. Brown | Mr. Howard       | Mr. Skelton      |
| Mr. S. A. Brown | Mr. Hunt         | Mr. W. Smith     |
| Mr. A. H. Buell | Mr. Huntington   | Mr. Speaker      |
| Mr. Burdick     | Mr. Jarvis       | Mr. J. Stevenson |
| Mr. Carpenter   | Mr. Johnson      | Mr. Sweeney      |
| Mr. Casner      | Mr. Jones        | Mr. Tefft        |
| Mr. Chase       | Mr. Knapp        | Mr. Thayer       |
| Mr. Coe         | Mr. T. R. Lee    | Mr. Thompson     |
| Mr. Comstock    | Mr. M'Key        | Mr. Tibbits      |
| Mr. Constant    | Mr. M'Vean       | Mr. Tuthill      |
| Mr. Culver      | Mr. Mann         | Mr. Walrath      |
| Mr. Danforth    | Mr. Mather       | Mr. Wheeler      |
| Mr. Dewey       | Mr. Mersereau    | Mr. White        |
| Mr. Dickson     | Mr. C. B. Miller | Mr. Whitney      |
| Mr. Edwards     | Mr. S. Miller    | Mr. Wyckoff      |
| Mr. Field       | Mr. Morris       | Mr. Wynant       |
| Mr. Fonda       | Mr. Morrison     | Mr. A. W. Young  |
| Mr. Frisbee     | Mr. Newkirk      |                  |



And those who were absent are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Bloss        | Mr. Fenn       | Mr. Preston         |
| Mr. Bowen        | Mr. Hall       | Mr. Russell         |
| Mr. Brower       | Mr. Harden     | Mr. Sherman         |
| Mr. T. Buel      | Mr. Harris     | Mr. A. C. Smith     |
| Mr. Bunker       | Mr. Horton     | Mr. Spring          |
| Mr. Bush         | Mr. Kinne      | Mr. R. L. Stevenson |
| Mr. Cameron      | Mr. D. Lee     | Mr. Strobbridge     |
| Mr. Collins      | Mr. Litchfield | Mr. Titus           |
| Mr. Crain        | Mr. Long       | Mr. Van Schoonhoven |
| Mr. C. F. Crosby | Mr. M'Carthy   | Mr. Van Valkenburgh |
| Mr. E. Crosby    | Mr. M'Donald   | Mr. Wells           |
| Mr. Dayton       | Mr. Moulton    | Mr. Wilcox          |
| Mr. De Puy       | Mr. Niven      | Mr. Worden          |
| Mr. Fellows      | Mr. Porter     | Mr. J. Young        |

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*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act for the preservation of carp in the Hudson river," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill from the Senate, entitled "An act for the preservation of game in the county of Ulster," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill from the Senate, entitled "An act to change the names of William George Thurber and Frederick Thurber," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk return the said bills to the Senate, and inform them that the Assembly have passed the same severally without amendment.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to amend an act entitled 'An act to lay out a new street in the twelfth and sixteenth wards of the city of New-York, and to keep open a part of the Bloomingdale road in said city,' passed April 16, 1838;" and the bill entitled "An act for the removal of insane convicts from the State prisons," and found the same severally correctly engrossed.

*Ordered*, That the said bills do have their third reading.

The House then proceeded to the consideration of the motion made by Mr. Fonda on a previous day, to reconsider the vote on the final passage of the bill entitled "An act to repeal an act for the preservation of trout in the Owasco lake, passed April 23d, 1844."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Fonda, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed.

The engrossed bill from the Senate, entitled "An act for the relief of John H. T. Smith," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The engrossed bill from the Senate, entitled "An act to incorporate the Syracuse Orphan Asylum," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |     |   |
|---|--------|-----|---|
| { | AYES   | 104 | } |
| { | NAYS   | 00  | } |
| { | ABSENT | 24  | } |

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Gifford      | Mr. Pierce          |
| Mr. Bailey       | Mr. D. Gould     | Mr. Porter          |
| Mr. Barber       | Mr. G. Goold     | Mr. Preston         |
| Mr. Betts        | Mr. Gregory      | Mr. Rice            |
| Mr. Bevins       | Mr. Hammond      | Mr. Rogers          |
| Mr. Billings     | Mr. Hannum       | Mr. Ross            |
| Mr. Blake        | Mr. Harden       | Mr. Sager           |
| Mr. Bloss        | Mr. Harris       | Mr. Salisbury       |
| Mr. Boughton     | Mr. Hazelton     | Mr. Searing         |
| Mr. Bowen        | Mr. Heermans     | Mr. Sears           |
| Mr. J. Brooks    | Mr. Hervey       | Mr. Sherman         |
| Mr. M. Brooks    | Mr. Hine         | Mr. Skelton         |
| Mr. L. H. Brown  | Mr. Horton       | Mr. A. C. Smith     |
| Mr. S. A. Brown  | Mr. Howard       | Mr. W. Smith        |
| Mr. A. H. Buell  | Mr. Hunt         | Mr. Speaker         |
| Mr. Bunker       | Mr. Huntington   | Mr. Spring          |
| Mr. Burdick      | Mr. Jarvis       | Mr. J. Stevenson    |
| Mr. Bush         | Mr. Johnson      | Mr. R. L. Stevenson |
| Mr. Carpenter    | Mr. Kinne        | Mr. Sweeney         |
| Mr. Casner       | Mr. Knapp        | Mr. Tefft           |
| Mr. Chase        | Mr. T. R. Lee    | Mr. Thayer          |
| Mr. Coe          | Mr. Litchfield   | Mr. Thompson        |
| Mr. Comstock     | Mr. M'Key        | Mr. Tibbits         |
| Mr. Constant     | Mr. M'Vean       | Mr. Titus           |
| Mr. C. F. Crosby | Mr. Mann         | Mr. Tuthill         |
| Mr. Culver       | Mr. Mather       | Mr. Van Schoonhoven |
| Mr. Danforth     | Mr. Mersereau    | Mr. Walrath         |
| Mr. Dewey        | Mr. C. B. Miller | Mr. Wheeler         |
| Mr. Dickson      | Mr. S. Miller    | Mr. White           |
| Mr. Edwards      | Mr. Morris       | Mr. Whitney         |
| Mr. Fenn         | Mr. Morrison     | Mr. Wilcox          |

|               |             |                 |
|---------------|-------------|-----------------|
| Mr. Field     | Mr. Newkirk | Mr. Wyckoff     |
| Mr. Fonda     | Mr. Niven   | Mr. Wynant      |
| Mr. Frisbee   | Mr. Oakley  | Mr. A. W. Young |
| Mr. Garretson | Mr. Pardee  |                 |

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And those who were absent are

|               |              |                     |
|---------------|--------------|---------------------|
| Mr. Bagg      | Mr. De Puy   | Mr. Moulton         |
| Mr. Brower    | Mr. Fellows  | Mr. Raymond         |
| Mr. T. Buel   | Mr. Hall     | Mr. Russell         |
| Mr. Cameron   | Mr. Jones    | Mr. Strobridge      |
| Mr. Collins   | Mr. D. Lee   | Mr. Van Valkenburgh |
| Mr. Crain     | Mr. Long     | Mr. Wells           |
| Mr. E. Crosby | Mr. M'Carthy | Mr. Worden          |
| Mr. Dayton    | Mr. M'Donald | Mr. J. Young        |

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*Ordered,* That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The engrossed bill from the Senate, entitled "An act to authorise Edward H. Brodhead to supply the city of Uica with pure and wholesome water," was read the third time.

*Resolved,* That the bill do pass.

*Ordered,* That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The engrossed bill from the Senate, entitled "An act to amend an act to incorporate the Consistory of the Reformed Presbyterian Church in the city of New-York, passed March 24th, 1820," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 88 | } |
|   | NAYS   | 00 |   |
|   | ABSENT | 40 |   |

Those who voted in the affirmative are

|              |              |               |
|--------------|--------------|---------------|
| Mr. Bachman  | Mr. Gifford  | Mr. Oakley    |
| Mr. Bagg     | Mr. G. Goold | Mr. Pardee    |
| Mr. Bailey   | Mr. Gregory  | Mr. Pierce    |
| Mr. Barber   | Mr. Hammond  | Mr. Porter    |
| Mr. Betts    | Mr. Hannum   | Mr. Raymond   |
| Mr. Bevens   | Mr. Harden   | Mr. Rice      |
| Mr. Billings | Mr. Harris   | Mr. Rogers    |
| Mr. Blake    | Mr. Hazelton | Mr. Ross      |
| Mr. Bloss    | Mr. Heermans | Mr. Sager     |
| Mr. Boughton | Mr. Hervey   | Mr. Salisbury |
| Mr. Bowen    | Mr. Hine     | Mr. Searing   |

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. J. Brooks   | Mr. Howard       | Mr. Sherman         |
| Mr. M. Brooks   | Mr. Hunt         | Mr. Skelton         |
| Mr. L. H. Brown | Mr. Jarvis       | Mr. A. C. Smith     |
| Mr. Bunker      | Mr. Johnson      | Mr. W. Smith        |
| Mr. Burdick     | Mr. Kinne        | Mr. Speaker         |
| Mr. Carpenter   | Mr. T. R. Lee    | Mr. J. Stevenson    |
| Mr. Casner      | Mr. Litchfield   | Mr. R. L. Stevenson |
| Mr. Chase       | Mr. M'Donald     | Mr. Sweeney         |
| Mr. Coe         | Mr. M'Key        | Mr. Tefft           |
| Mr. Comstock    | Mr. Mann         | Mr. Thayer          |
| Mr. Constant    | Mr. Mather       | Mr. Thompson        |
| Mr. Culver      | Mr. Mersereau    | Mr. Tnhill          |
| Mr. Danforth    | Mr. C. B. Miller | Mr. Van Schoonhoven |
| Mr. Dewey       | Mr. S. Miller    | Mr. White           |
| Mr. Dickson     | Mr. Morris       | Mr. Whitney         |
| Mr. Edwards     | Mr. Morrison     | Mr. Wilcox          |
| Mr. Field       | Mr. Newkirk      | Mr. Wynant          |
| Mr. Frisbee     | Mr. Niven        | Mr. A. W. Young     |
| Mr. Garretson   |                  |                     |

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And those who were absent are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Brower       | Mr. Fonda      | Mr. Russell         |
| Mr. S. A. Brown  | Mr. D. Gould   | Mr. Sears           |
| Mr. A. H. Buell  | Mr. Hall       | Mr. Spring          |
| Mr. T. Buel      | Mr. Horton     | Mr. Strobidge       |
| Mr. Bush         | Mr. Huntington | Mr. Tibbits         |
| Mr. Cameron      | Mr. Jones      | Mr. Titus           |
| Mr. Collins      | Mr. Knapp      | Mr. Van Valkenburgh |
| Mr. Crain        | Mr. D. Lee     | Mr. Walrath         |
| Mr. C. F. Crosby | Mr. Long       | Mr. Wells           |
| Mr. E. Crosby    | Mr. M'Carthy   | Mr. Wheeler         |
| Mr. Dayton       | Mr. M'Vean     | Mr. Worden          |
| Mr. De Puy       | Mr. Moulton    | Mr. Wyckoff         |
| Mr. Fellows      | Mr. Preston    | Mr. J. Young        |
| Mr. Fenn         |                |                     |

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*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The engrossed bill entitled "An act to incorporate the village of Remsen," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 96 | } |
| { | NAYS   | 00 | } |
| { | ABSENT | 32 | } |



Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Gifford      | Mr. Oakley          |
| Mr. Bailey       | Mr. D. Gould     | Mr. Pardee          |
| Mr. Barber       | Mr. G. Gould     | Mr. Pierce          |
| Mr. Betts        | Mr. Gregory      | Mr. Porter          |
| Mr. Bevens       | Mr. Hammond      | Mr. Preston         |
| Mr. Billings     | Mr. Hannum       | Mr. Raymond         |
| Mr. Blake        | Mr. Harden       | Mr. Rice            |
| Mr. Bloss        | Mr. Harris       | Mr. Rogers          |
| Mr. Boughton     | Mr. Hazelton     | Mr. Ross            |
| Mr. Bowen        | Mr. Heermans     | Mr. Sager           |
| Mr. J. Brooks    | Mr. Hervey       | Mr. Searing         |
| Mr. M. Brooks    | Mr. Hine         | Mr. Sherman         |
| Mr. L. H. Brown  | Mr. Horton       | Mr. Skelton         |
| Mr. Bunker       | Mr. Howard       | Mr. A. C. Smith     |
| Mr. Burdick      | Mr. Hunt         | Mr. W. Smith        |
| Mr. Carpenter    | Mr. Jarvis       | Mr. Speaker         |
| Mr. Casner       | Mr. Johnson      | Mr. J. Stevenson    |
| Mr. Chase        | Mr. Kinne        | Mr. R. L. Stevenson |
| Mr. Coe          | Mr. Knapp        | Mr. Strobridge      |
| Mr. Comstock     | Mr. T. R. Lee    | Mr. Sweeney         |
| Mr. Constant     | Mr. Litchfield   | Mr. Tefft           |
| Mr. C. F. Crosby | Mr. M'Donald     | Mr. Thayer          |
| Mr. Culver       | Mr. M'Vean       | Mr. Thompson        |
| Mr. Danforth     | Mr. Mann         | Mr. Tibbits         |
| Mr. Dewey        | Mr. Malher       | Mr. Titus           |
| Mr. Dickson      | Mr. Mersereau    | Mr. Tuthill         |
| Mr. Edwards      | Mr. C. B. Miller | Mr. Van Schoonhoven |
| Mr. Fenn         | Mr. S. Miller    | Mr. Wheeler         |
| Mr. Field        | Mr. Morris       | Mr. White           |
| Mr. Fonda        | Mr. Morrison     | Mr. Whitney         |
| Mr. Frisbee      | Mr. Newkirk      | Mr. Wynant          |
| Mr. Garretson    | Mr. Niven        | Mr. A. W. Young 96  |

And those who were absent are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Bagg        | Mr. De Puy     | Mr. Salisbury       |
| Mr. Brower      | Mr. Fellows    | Mr. Sears           |
| Mr. S. A. Brown | Mr. Hall       | Mr. Spring          |
| Mr. A. H. Buell | Mr. Huntington | Mr. Van Valkenburgh |
| Mr. T. Buel     | Mr. Jones      | Mr. Walrath         |
| Mr. Bush        | Mr. D. Lee     | Mr. Wells           |
| Mr. Cameron     | Mr. Long       | Mr. Wilcox          |
| Mr. Collins     | Mr. M'Carthy   | Mr. Worden          |
| Mr. Crain       | Mr. M'Key      | Mr. Wyckoff         |
| Mr. E. Crosby   | Mr. Moulton    | Mr. J. Young        |
| Mr. Dayton      | Mr. Russell    | 32                  |

*Ordered,* That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill from the Senate, entitled "An act to provide for the safe keeping of the cabinets of natural history, and for other purposes," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The engrossed bill from the Senate, entitled "An act to repeal the several acts in relation to the State Hospital in the city of New-York," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 88 | } |
| { | NAYS   | 00 | } |
| { | ABSENT | 40 | } |

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Garretson    | Mr. Niven           |
| Mr. Bagg         | Mr. Gifford      | Mr. Oakley          |
| Mr. Barber       | Mr. D. Gould     | Mr. Pardee          |
| Mr. Betts        | Mr. G. Goold     | Mr. Porter          |
| Mr. Bevins       | Mr. Gregory      | Mr. Preston         |
| Mr. Billings     | Mr. Hammond      | Mr. Raymond         |
| Mr. Bloss        | Mr. Hannum       | Mr. Rogers          |
| Mr. Boughton     | Mr. Harris       | Mr. Ross            |
| Mr. Bowen        | Mr. Heermans     | Mr. Sager           |
| Mr. J. Brooks    | Mr. Hervey       | Mr. Searing         |
| Mr. M. Brooks    | Mr. Hine         | Mr. Sears           |
| Mr. L. H. Brown  | Mr. Howard       | Mr. Sherman         |
| Mr. Bunker       | Mr. Hunt         | Mr. A. C. Smith     |
| Mr. Burdick      | Mr. Huntington   | Mr. W. Smith        |
| Mr. Carpenter    | Mr. Jarvis       | Mr. Spring          |
| Mr. Casner       | Mr. Johnson      | Mr. J. Stevenson    |
| Mr. Chase        | Mr. T. R. Lee    | Mr. R. L. Stevenson |
| Mr. Coe          | Mr. Litchfield   | Mr. Sweeney         |
| Mr. Comstock     | Mr. M'Donald     | Mr. Tefft           |
| Mr. Constant     | Mr. M'Key        | Mr. Thayer          |
| Mr. C. F. Crosby | Mr. M'Vean       | Mr. Thompson        |
| Mr. Culver       | Mr. Mann         | Mr. Tuthill         |
| Mr. Danforth     | Mr. Mather       | Mr. Van Schoonhoven |
| Mr. Dewey        | Mr. Mersereau    | Mr. Wheeler         |
| Mr. Dickson      | Mr. C. B. Miller | Mr. White           |
| Mr. Edwards      | Mr. S. Miller    | Mr. Whitney         |
| Mr. Fenn         | Mr. Morris       | Mr. Wilcox          |
| Mr. Field        | Mr. Morrison     | Mr. Wynant          |
| Mr. Fonda        | Mr. Newkirk      | Mr. A. W. Young     |
| Mr. Frisbee      |                  |                     |

## And those who were absent are

|                 |              |                     |
|-----------------|--------------|---------------------|
| Mr. Bailey      | Mr. Hall     | Mr. Russell         |
| Mr. Blake       | Mr. Harden   | Mr. Salisbury       |
| Mr. Brower      | Mr. Hazelton | Mr. Skelton         |
| Mr. S. A. Brown | Mr. Horton   | Mr. Speaker         |
| Mr. A. H. Buell | Mr. Jones    | Mr. Strobbridge     |
| Mr. T. Buel     | Mr. Kinne    | Mr. Tibbits         |
| Mr. Bush        | Mr. Knapp    | Mr. Titus           |
| Mr. Cameron     | Mr. D. Lee   | Mr. Van Valkenburgh |
| Mr. Collins     | Mr. Long     | Mr. Walrath         |
| Mr. Crain       | Mr. M'Carthy | Mr. Wells           |
| Mr. E. Crosby   | Mr. Moulton  | Mr. Worden          |
| Mr. Dayton      | Mr. Pierce   | Mr. Wyckoff         |
| Mr. De Puy      | Mr. Rice     | Mr. J. Young        |
| Mr. Fellows     |              |                     |

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*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The engrossed bill from the Senate, entitled "An act to incorporate the Fallsburgh and Liberty Turnpike Road Company," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 89 | } |
| { | NAYS   | 00 | } |
| { | ABSENT | 39 | } |

## Those who voted in the affirmative are

|                 |               |                     |
|-----------------|---------------|---------------------|
| Mr. Bachman     | Mr. Garretson | Mr. Newkirk         |
| Mr. Bagg        | Mr. Gifford   | Mr. Niven           |
| Mr. Bailey      | Mr. D. Gould  | Mr. Oakley          |
| Mr. Barber      | Mr. G. Goold  | Mr. Pardee          |
| Mr. Betts       | Mr. Gregory   | Mr. Porter          |
| Mr. Bevins      | Mr. Hammond   | Mr. Preston         |
| Mr. Billings    | Mr. Hannum    | Mr. Raymond         |
| Mr. Boughton    | Mr. Harden    | Mr. Rice            |
| Mr. J. Brooks   | Mr. Harris    | Mr. Rogers          |
| Mr. M. Brooks   | Mr. Hazelton  | Mr. Ross            |
| Mr. L. H. Brown | Mr. Heermans  | Mr. Sager           |
| Mr. A. H. Buell | Mr. Hervey    | Mr. A. C. Smith     |
| Mr. Bunker      | Mr. Hine      | Mr. W. Smith        |
| Mr. Burdick     | Mr. Howard    | Mr. Spring          |
| Mr. Carpenter   | Mr. Hunt      | Mr. J. Stevenson    |
| Mr. Casner      | Mr. Jarvis    | Mr. R. L. Stevenson |
| Mr. Chase       | Mr. Johnson   | Mr. Sweeney         |

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Coe          | Mr. Kinne        | Mr. Tefft           |
| Mr. Comstock     | Mr. T. R. Lee    | Mr. Thayer          |
| Mr. Constant     | Mr. Litchfield   | Mr. Thompson        |
| Mr. C. F. Crosby | Mr. M'Donald     | Mr. Tibbits         |
| Mr. Culver       | Mr. M'Key        | Mr. Titus           |
| Mr. Danforth     | Mr. M'Vean       | Mr. Van Schoonhoven |
| Mr. Dewey        | Mr. Mann         | Mr. Wheeler         |
| Mr. Dickson      | Mr. Mather       | Mr. White           |
| Mr. Edwards      | Mr. Mersereau    | Mr. Whitney         |
| Mr. Fenn         | Mr. C. B. Miller | Mr. Wyckoff         |
| Mr. Field        | Mr. S. Miller    | Mr. Wynant          |
| Mr. Fonda        | Mr. Morris       | Mr. A. W. Young     |
| Mr. Frisbee      | Mr. Morrison     |                     |

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And those who were absent are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Blake       | Mr. Fellows    | Mr. Searing         |
| Mr. Bloss       | Mr. Hall       | Mr. Sears           |
| Mr. Bowen       | Mr. Horton     | Mr. Sherman         |
| Mr. Brower      | Mr. Huntington | Mr. Skelton         |
| Mr. S. A. Brown | Mr. Jones      | Mr. Speaker         |
| Mr. T. Buel     | Mr. Knapp      | Mr. Strobbridge     |
| Mr. Bush        | Mr. D. Lee     | Mr. Tuthill         |
| Mr. Cameron     | Mr. Long       | Mr. Van Valkenburgh |
| Mr. Collins     | Mr. M'Carthy   | Mr. Walrath         |
| Mr. Crain       | Mr. Moulton    | Mr. Wells           |
| Mr. E. Crosby   | Mr. Pierce     | Mr. Wilcox          |
| Mr. Dayton      | Mr. Russell    | Mr. Worden          |
| Mr. De Puy      | Mr. Salisbury  | Mr. J. Young        |

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*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The engrossed bill from the Senate, entitled "An act in relation to the courts of common pleas in and for the county of Warren," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill from the Senate, entitled "An act concerning the district attorney of the county of Oneida," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill from the Senate, entitled "An act relative to the expenses incurred in enforcing the laws and preserving order in the county of Cattaraugus," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill from the Senate, entitled "An act for the relief of Daniel W. Wing," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk return the said bills to the Senate, and inform them that the Assembly have passed the same severally without amendment.



A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
*Albany, May 9, 1845.* }

TO THE ASSEMBLY.

I have this day approved and signed the bill entitled "An act to amend an act entitled 'An act for the relief of Robert Gere and Philo C. Weaver,' passed May 2d, 1844."

And the bill entitled "An act to authorise the reference of certain actions at law."

SILAS WRIGHT.

The hour of half past one o'clock having arrived,  
 The House took a recess until half past three o'clock this afternoon.

HALF PAST THREE O'CLOCK P. M.

The House again met.

By unanimous consent,

Mr. Wheeler, from the committee on the judiciary, to which was referred the bill entitled "An act to provide for the appointment of an additional number of commissioners of deeds in and for the city and county of New-York," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

On motion of Mr. Wheeler,

*Ordered,* That the said bill be engrossed for a third reading.

A message from the Senate was received and read, informing that they had rejected the bill therewith returned, entitled "An act to provide for the compensation of jurors in the city of New-York."

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bill therewith delivered, entitled "An act to authorise the common council of the city of Utica to levy a tax to defray the cost of certain improvements at and near Nail creek."

The said bill was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the internal affairs of towns and counties.

A message from the Senate, with the bills therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act to incorporate the trustees and associates of the Brooklyn Benevolent Society;" and the bill entitled "An act to amend an act entitled 'An act to incorporate the Greenhill Wharf Company,' passed April 20th, 1830," severally without amendment.

*Ordered,* That the Clerk deliver the said bills to the Governor.

The bill entitled "An act to amend the act to incorporate the village of Chittenango, passed March 15th, 1842;" and the bill entitled "An act for the relief of Evert Yates," were returned from the Senate.

*Ordered,* That the Clerk deliver the said bills to the Governor.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act to provide for the removal of cases decided by the Canal Board, to the Supreme Court, by certiorari," with the accompanying amendments, and the substitution of a new title.

The said amendments having been read,

Mr. Morrison moved that the House do non-concur in the same, and that a committee of conference be appointed on the part of the Assembly, and a similar committee be requested to be appointed on the part of the Senate, to confer on the said bill and amendments.

Debates were had thereon ; when

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Morrison, and it was determined in the affirmative.

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 62 | } |
|   | NAYS   | 37 |   |
| { | ABSENT | 29 | } |

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Bachman      | Mr. D. Gould   | Mr. Raymond         |
| Mr. Barber       | Mr. G. Goold   | Mr. Rice            |
| Mr. Betts        | Mr. Hammond    | Mr. Ross            |
| Mr. Blake        | Mr. Hannum     | Mr. Sager           |
| Mr. Bloss        | Mr. Harris     | Mr. Sears           |
| Mr. Bowen        | Mr. Heermans   | Mr. Sherman         |
| Mr. S. A. Brown  | Mr. Hervey     | Mr. W. Smith        |
| Mr. Bush         | Mr. Horton     | Mr. Speaker         |
| Mr. Casner       | Mr. Howard     | Mr. Spring          |
| Mr. Coe          | Mr. Huntington | Mr. J. Stevenson    |
| Mr. Collins      | Mr. Jarvis     | Mr. Sweeney         |
| Mr. Comstock     | Mr. Jones      | Mr. Thompson        |
| Mr. C. F. Crosby | Mr. D. Lee     | Mr. Tibbits         |
| Mr. Culver       | Mr. Litchfield | Mr. Tuthill         |
| Mr. Dewey        | Mr. M'Key      | Mr. Van Schoonhoven |
| Mr. Edwards      | Mr. M'Vean     | Mr. Walrath         |
| Mr. Field        | Mr. Mann       | Mr. Wheeler         |
| Mr. Fonda        | Mr. Mersereau  | Mr. Wynant          |
| Mr. Frisbee      | Mr. Morrison   | Mr. A. W. Young     |
| Mr. Garretson    | Mr. Niven      | Mr. J. Young        |
| Mr. Gifford      | Mr. Oakley     |                     |

62

Those who voted in the negative are

|              |              |               |
|--------------|--------------|---------------|
| Mr. Bagg     | Mr. Harden   | Mr. Preston   |
| Mr. Bailey   | Mr. Hazelton | Mr. Russell   |
| Mr. Billings | Mr. Hine     | Mr. Salisbury |
| Mr. Boughton | Mr. Kinne    | Mr. Searing   |

|                 |               |                     |
|-----------------|---------------|---------------------|
| Mr. J. Brooks   | Mr. Knapp     | Mr. Skelton         |
| Mr. L. H. Brown | Mr. T. R. Lee | Mr. R. L. Stevenson |
| Mr. A. H. Buell | Mr. M'Donald  | Mr. Strobridge      |
| Mr. Bunker      | Mr. Mather    | Mr. Tefft           |
| Mr. Burdick     | Mr. S. Miller | Mr. Thayer          |
| Mr. Carpenter   | Mr. Morris    | Mr. Titus           |
| Mr. Danforth    | Mr. Pardee    | Mr. White           |
| Mr. Dickson     | Mr. Porter    | Mr. Whitney         |
| Mr. Gregory     |               |                     |

37

And those who were absent are

|               |                  |                     |
|---------------|------------------|---------------------|
| Mr. Bevens    | Mr. De Puy       | Mr. Newkirk         |
| Mr. M. Brooks | Mr. Fellows      | Mr. Pierce          |
| Mr. Brower    | Mr. Fenn         | Mr. Rogers          |
| Mr. T. Buel   | Mr. Hall         | Mr. A. C. Smith     |
| Mr. Cameron   | Mr. Hunt         | Mr. Van Valkenburgh |
| Mr. Chase     | Mr. Johnson      | Mr. Wells           |
| Mr. Constant  | Mr. Long         | Mr. Wilcox          |
| Mr. Crain     | Mr. M'Carthy     | Mr. Worden          |
| Mr. E. Crosby | Mr. C. B. Miller | Mr. Wyckoff         |
| Mr. Dayton    | Mr. Moulton      |                     |

29

*Ordered,* That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have non-concurred in the said amendments, and request the appointment of a committee of conference on the part of the Senate; and in case of such appointment, that Mr. Morrison, Mr. Comstock, Mr. M'Key, Mr. Fonda and Mr. Bush are of such committee on the part of the Assembly.

By unanimous consent,

Mr. Van Schoonhoven, from the committee on two-third bills, to which was referred the bill entitled "An act to authorise the election of two supervisors in the city of Utica," reported, that in the opinion of the committee, it requires the assent of two-thirds of all the members elected to each branch of the Legislature to pass the same into a law.

*Ordered,* That the said report and bill be laid on the table.

By unanimous consent,

Mr. Billings, from the committee on banks and insurance companies, to which was referred the bill entitled "An act to amend the charter of the Jefferson Insurance Company in the city of New-York," with instructions to report the same complete, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered,* That the said bill be engrossed for a third reading.

By unanimous consent,

Mr. L. H. Brown, from the committee on colleges, academies and common schools, to which was referred the bill entitled "An act to amend the act entitled 'An act more effectually to provide for common

school education in the city and county of New-York,' passed May 7, 1844," with instructions to report the same complete, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Oakley, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to provide for the appointment of an additional number of commissioners of deeds in and for the city and county of New-York," and found the same correctly engrossed.

*Ordered*, That the said bill do have its third reading.

Mr. Comstock moved to lay the special order for this afternoon on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Comstock, and it was determined in the negative.

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 39 | } |
| { | NAYS   | 60 | } |
| { | ABSENT | 29 | } |

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |               |                 |
|-----------------|---------------|-----------------|
| Mr. Bagg        | Mr. Gregory   | Mr. Russell     |
| Mr. Barber      | Mr. Hammond   | Mr. Searing     |
| Mr. Billings    | Mr. Harden    | Mr. Sears       |
| Mr. Blake       | Mr T. R. Lee  | Mr. Skelton     |
| Mr. A. H. Buell | Mr. Mann      | Mr. W. Smith    |
| Mr. Burdick     | Mr. Mather    | Mr. Speaker     |
| Mr. Carpenter   | Mr. Mersereau | Mr. Strobbridge |
| Mr. Collins     | Mr. S. Miller | Mr. Tefft       |
| Mr. Comstock    | Mr. Morrison  | Mr. Thompson    |
| Mr. Dickson     | Mr. Oakley    | Mr. Tibbits     |
| Mr. Edwards     | Mr. Preston   | Mr. Titus       |
| Mr. Field       | Mr. Raymond   | Mr. Wheeler     |
| Mr. Frisbee     | Mr. Rice      | Mr. White       |

39

Those who voted in the negative are

|               |              |                 |
|---------------|--------------|-----------------|
| Mr. Bachman   | Mr. G. Goold | Mr. Newkirk     |
| Mr. Bailey    | Mr. Hannum   | Mr. Niven       |
| Mr. Betts     | Mr. Harris   | Mr. Pierce      |
| Mr. Bloss     | Mr. Hazelton | Mr. Porter      |
| Mr. Boughton  | Mr. Heermans | Mr. Ross        |
| Mr. Bowen     | Mr. Hervey   | Mr. Sager       |
| Mr. J. Brooks | Mr. Hine     | Mr. Salisbury   |
| Mr. M. Brooks | Mr. Horton   | Mr. A. C. Smith |



|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. L. H. Brown | Mr. Howard     | Mr. Spring          |
| Mr. S. A. Brown | Mr. Huntington | Mr. J. Stevenson    |
| Mr. Bunker      | Mr. Jarvis     | Mr. R. L. Stevenson |
| Mr. Bush        | Mr. Jones      | Mr. Sweeney         |
| Mr. Casner      | Mr. Kinne      | Mr. Thayer          |
| Mr. Coe         | Mr. Knapp      | Mr. Tuthill         |
| Mr. Culver      | Mr. D. Lee     | Mr. Van Schoonhoven |
| Mr. Danforth    | Mr. Litchfield | Mr. Walrath         |
| Mr. Dewey       | Mr. M'Donald   | Mr. Whitney         |
| Mr. Fonda       | Mr. M'Key      | Mr. Wynant          |
| Mr. Garretson   | Mr. M'Vean     | Mr. A. W. Young     |
| Mr. Gifford     | Mr. Morris     | Mr. J. Young        |

60

And those who were absent are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bevens       | Mr. De Puy       | Mr. Moulton         |
| Mr. Brower       | Mr. Fellows      | Mr. Pardee          |
| Mr. T. Buel      | Mr. Fenn         | Mr. Rogers          |
| Mr. Cameron      | Mr. D. Gould     | Mr. Sherman         |
| Mr. Chase        | Mr. Hall         | Mr. Van Valkenburgh |
| Mr. Constant     | Mr. Hunt         | Mr. Wells           |
| Mr. Crain        | Mr. Johnson      | Mr. Wilcox          |
| Mr. C. F. Crosby | Mr. Long         | Mr. Worden          |
| Mr. E. Crosby    | Mr. M'Carthy     | Mr. Wyckoff         |
| Mr. Dayton       | Mr. C. B. Miller |                     |

29

The House then resolved itself into a committee of the whole, on the bill entitled "An act reducing the rate of interest of money;" on the bill entitled "An act in relation to mineral coal transported upon the Erie canal," and on the bill entitled "An act authorising the construction of a bridge across the Hudson river at the city of Albany;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Comstock, from the said committee, reported, that the committee had gone through the bill entitled "An act reducing the rate of interest of money," and agreed to the same without amendment; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. Comstock, from the same committee, reported, that the committee had gone through the bill entitled "An act in relation to mineral coal transported upon the Erie canal," and agreed to the same without amendment; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. Comstock, from the same committee, reported progress on the bill entitled "An act authorising the construction of a bridge across the Hudson river at the city of Albany," and asked for leave to sit again.

Mr. Harris moved that the question on granting the committee of the whole leave to sit again on the said bill, be laid on the table until tomorrow morning.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Harris, and it was determined in the negative.

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 36 | } |
|   | NAYS   | 65 |   |
|   | ABSENT | 27 |   |

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |                |                 |    |
|-----------------|----------------|-----------------|----|
| Mr. Bachman     | Mr. Fonda      | Mr. Morris      |    |
| Mr. Bagg        | Mr. D. Gould   | Mr. Morrison    |    |
| Mr. Barber      | Mr. G. Goold   | Mr. Newkirk     |    |
| Mr. Billings    | Mr. Harris     | Mr. Oakley      |    |
| Mr. Blake       | Mr. Hervey     | Mr. Russell     |    |
| Mr. M. Brooks   | Mr. Howard     | Mr. Sears       |    |
| Mr. L. H. Brown | Mr. Hunt       | Mr. A. C. Smith |    |
| Mr. S. A. Brown | Mr. Huntington | Mr. Speaker     |    |
| Mr. Coe         | Mr. Jones      | Mr. Spring      |    |
| Mr. Collins     | Mr. T. R. Lee  | Mr. Sweeney     |    |
| Mr. Comstock    | Mr. Litchfield | Mr. Tuthill     |    |
| Mr. Danforth    | Mr. Mersereau  | Mr. Worden      | 36 |

Those who voted in the negative are

|                  |               |                     |    |
|------------------|---------------|---------------------|----|
| Mr. Bailey       | Mr. Harden    | Mr. Rice            |    |
| Mr. Betts        | Mr. Hazelton  | Mr. Ross            |    |
| Mr. Bloss        | Mr. Heermans  | Mr. Sager           |    |
| Mr. Bowen        | Mr. Hine      | Mr. Searing         |    |
| Mr. J. Brooks    | Mr. Horton    | Mr. Sherman         |    |
| Mr. Bunker       | Mr. Jarvis    | Mr. Skelton         |    |
| Mr. Burdick      | Mr. Johnson   | Mr. W. Smith        |    |
| Mr. Bush         | Mr. Kinne     | Mr. J. Stevenson    |    |
| Mr. Carpenter    | Mr. Knapp     | Mr. Tefft           |    |
| Mr. Casner       | Mr. D. Lee    | Mr. Thayer          |    |
| Mr. C. F. Crosby | Mr. M'Donald  | Mr. Thompson        |    |
| Mr. Culver       | Mr. M'Key     | Mr. Tibbits         |    |
| Mr. Dewey        | Mr. M'Vean    | Mr. Titus           |    |
| Mr. Dickson      | Mr. Mann      | Mr. Van Schoonhoven |    |
| Mr. Edwards      | Mr. Mather    | Mr. Wheeler         |    |
| Mr. Fenn         | Mr. S. Miller | Mr. White           |    |
| Mr. Field        | Mr. Niven     | Mr. Whitney         |    |
| Mr. Frisbee      | Mr. Pardee    | Mr. Wilcox          |    |
| Mr. Garretson    | Mr. Pierce    | Mr. Wyckoff         |    |
| Mr. Gregory      | Mr. Porter    | Mr. Wynant          |    |
| Mr. Hammond      | Mr. Preston   | Mr. A. W. Young     |    |
| Mr. Hannum       | Mr. Raymond   |                     | 65 |

And those who were absent are

|              |               |             |
|--------------|---------------|-------------|
| Mr. Bevins   | Mr. E. Crosby | Mr. Moulton |
| Mr. Boughton | Mr. Dayton    | Mr. Rogers  |

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Brower      | Mr. De Puy       | Mr. Salisbury       |
| Mr. A. H. Buell | Mr. Fellows      | Mr. R. L. Stevenson |
| Mr. T. Buel     | Mr. Gifford      | Mr. Strobbridge     |
| Mr. Cameron     | Mr. Hall         | Mr. Van Valkenburgh |
| Mr. Chase       | Mr. Long         | Mr. Walrath         |
| Mr. Constant    | Mr. M'Carthy     | Mr. Wells           |
| Mr. Crain       | Mr. C. B. Miller | Mr. J. Young 27     |

Mr. Fonda moved that the House adjourn.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Fonda, and it was determined in the negative.

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 29 | } |
| { | NAYS   | 67 | } |
| { | ABSENT | 32 | } |

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |               |                 |
|-----------------|---------------|-----------------|
| Mr. Bagg        | Mr. Danforth  | Mr. Jones       |
| Mr. Barber      | Mr. Fonda     | Mr. T. R. Lee   |
| Mr. Billings    | Mr. Garretson | Mr. Litchfield  |
| Mr. M. Brooks   | Mr. D. Gould  | Mr. M'Donald    |
| Mr. L. H. Brown | Mr. G. Goold  | Mr. Morris      |
| Mr. S. A. Brown | Mr. Harris    | Mr. Newkirk     |
| Mr. Bush        | Mr. Hervey    | Mr. Russell     |
| Mr. Coe         | Mr. Howard    | Mr. A. C. Smith |
| Mr. Collins     | Mr. Hunt      | Mr. Wynant      |
| Mr. Comstock    | Mr. Johnson   | 29              |

Those who voted in the negative are

|                  |               |                     |
|------------------|---------------|---------------------|
| Mr. Bailey       | Mr. Hine      | Mr. Sager           |
| Mr. Betts        | Mr. Horton    | Mr. Searing         |
| Mr. Blake        | Mr. Jarvis    | Mr. Sears           |
| Mr. Bloss        | Mr. Kinne     | Mr. Skelton         |
| Mr. Bowen        | Mr. Knapp     | Mr. W. Smith        |
| Mr. J. Brooks    | Mr. D. Lee    | Mr. Spring          |
| Mr. Bunker       | Mr. M'Key     | Mr. J. Stevenson    |
| Mr. Burdick      | Mr. M'Vean    | Mr. Sweeney         |
| Mr. Carpenter    | Mr. Mann      | Mr. Tefft           |
| Mr. Casner       | Mr. Mather    | Mr. Thayer          |
| Mr. C. F. Crosby | Mr. Mersereau | Mr. Thompson        |
| Mr. Culver       | Mr. S. Miller | Mr. Tibbits         |
| Mr. Dewey        | Mr. Niven     | Mr. Titus           |
| Mr. Dickson      | Mr. Oakley    | Mr. Tuthill         |
| Mr. Edwards      | Mr. Pardee    | Mr. Van Schoonhoven |
| Mr. Field        | Mr. Pierce    | Mr. Wheeler         |
| Mr. Frisbee      | Mr. Porter    | Mr. White           |

|              |             |                 |
|--------------|-------------|-----------------|
| Mr. Gregory  | Mr. Preston | Mr. Whitney     |
| Mr. Hammond  | Mr. Raymond | Mr. Wilcox      |
| Mr. Hannum   | Mr. Rice    | Mr. Worden      |
| Mr. Harden   | Mr. Rogers  | Mr. Wyckoff     |
| Mr. Hazelton | Mr. Ross    | Mr. A. W. Young |
| Mr. Heermans |             |                 |

67

And those who were absent are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. Dayton       | Mr. Moulton         |
| Mr. Bevens      | Mr. De Puy       | Mr. Salisbury       |
| Mr. Boughton    | Mr. Fellows      | Mr. Sherman         |
| Mr. Brower      | Mr. Fenn         | Mr. Speaker         |
| Mr. A. H. Buell | Mr. Gifford      | Mr. R. L. Stevenson |
| Mr. T. Buel     | Mr. Hall         | Mr. Strobbridge     |
| Mr. Cameron     | Mr. Huntington   | Mr. Van Valkenburgh |
| Mr. Chase       | Mr. Long         | Mr. Walrath         |
| Mr. Constant    | Mr. M'Carthy     | Mr. Wells           |
| Mr. Crain       | Mr. C. B. Miller | Mr. J. Young        |
| Mr. E. Crosby   | Mr. Morrison     |                     |

32

Mr. D. Lee moved to postpone the further consideration of the subject indefinitely, and called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Whereupon,

Mr. Speaker put the question whether the House would agree to the said motion of Mr. D. Lee, and it was determined in the affirmative.

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 67 | } |
| { | NAYS   | 34 | } |
| { | ABSENT | 27 | } |

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|               |              |                  |
|---------------|--------------|------------------|
| Mr. Bachman   | Mr. Heermans | Mr. Rogers       |
| Mr. Bailey    | Mr. Hine     | Mr. Ross         |
| Mr. Betts     | Mr. Horton   | Mr. Sager        |
| Mr. Blake     | Mr. Jarvis   | Mr. Searing      |
| Mr. Bowen     | Mr. Johnson  | Mr. Sherman      |
| Mr. J. Brooks | Mr. Kinne    | Mr. Skelton      |
| Mr. Bunker    | Mr. Knapp    | Mr. W. Smith     |
| Mr. Burdick   | Mr. D. Lee   | Mr. Speaker      |
| Mr. Bush      | Mr. M'Donald | Mr. J. Stevenson |
| Mr. Carpenter | Mr. M'Key    | Mr. Sweeney      |
| Mr. Casner    | Mr. M'Vean   | Mr. Tefft        |



|                  |               |                     |
|------------------|---------------|---------------------|
| Mr. Collins      | Mr. Mann      | Mr. Thayer          |
| Mr. C. F. Crosby | Mr. Mather    | Mr. Thompson        |
| Mr. Dickson      | Mr. Mersereau | Mr. Tibbits         |
| Mr. Edwards      | Mr. S. Miller | Mr. Titus           |
| Mr. Fenn         | Mr. Niven     | Mr. Van Schoonhoven |
| Mr. Field        | Mr. Pardee    | Mr. Wheeler         |
| Mr. Frisbee      | Mr. Pierce    | Mr. White           |
| Mr. Garretson    | Mr. Porter    | Mr. Whitney         |
| Mr. Gregory      | Mr. Preston   | Mr. Wilcox          |
| Mr. Hammond      | Mr. Raymond   | Mr. Wyckoff         |
| Mr. Harden       | Mr. Rice      | Mr. A. W. Young     |
| Mr. Hazelton     |               |                     |

67

Those who voted in the negative are

|                 |                |                 |
|-----------------|----------------|-----------------|
| Mr. Bagg        | Mr. Fonda      | Mr. Litchfield  |
| Mr. Barber      | Mr. D. Gould   | Mr. Morris      |
| Mr. Billings    | Mr. G. Goold   | Mr. Newkirk     |
| Mr. Bloss       | Mr. Hannum     | Mr. Oakley      |
| Mr. M. Brooks   | Mr. Harris     | Mr. Russell     |
| Mr. L. H. Brown | Mr. Hervey     | Mr. Sears       |
| Mr. S. A. Brown | Mr. Howard     | Mr. A. C. Smith |
| Mr. Coe         | Mr. Hunt       | Mr. Spring      |
| Mr. Comstock    | Mr. Huntington | Mr. Tuthill     |
| Mr. Culver      | Mr. Jones      | Mr. Worden      |
| Mr. Danforth    | Mr. T. R. Lee  | Mr. Wynant      |
| Mr. Dewey       |                |                 |

34

And those who were absent are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bevens      | Mr. E. Crosby    | Mr. Morrison        |
| Mr. Boughton    | Mr. Dayton       | Mr. Moulton         |
| Mr. Brower      | Mr. De Puy       | Mr. Salisbury       |
| Mr. A. H. Buell | Mr. Fellows      | Mr. R. L. Stevenson |
| Mr. T. Buel     | Mr. Gifford      | Mr. Strobbridge     |
| Mr. Cameron     | Mr. Hall         | Mr. Van Valkenburgh |
| Mr. Chase       | Mr. Long         | Mr. Walrath         |
| Mr. Constant    | Mr. M'Carthy     | Mr. Wells           |
| Mr. Crain       | Mr. C. B. Miller | Mr. J. Young        |

27

On motion of Mr. Morris,  
The House then adjourned to nine o'clock to-morrow morning.

## SATURDAY, MAY 10, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Foley.

The minutes of yesterday were read and approved.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act to incorporate the Hudson Orphan and Relief Association," with the amendments accompanying the same.

The said amendments having been read,

*Ordered*, That the said bill and amendments be referred to the committee on charitable and religious societies.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act to incorporate the village of Canton," with the accompanying amendments.

The said amendments having been read,

*Ordered*, That the said bill and amendments be referred to the committee on the incorporation of cities and villages.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act to incorporate the Fonda Academy," with the accompanying amendments.

The said amendments having been read,

*Ordered*, That the said bill and amendments be referred to the committee on colleges, academies and common schools.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act to incorporate the Spencertown Academy," with the accompanying amendments.

The said amendments having been read,

*Ordered*, That the said bill and amendments be referred to the committee on colleges, academies and common schools.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act to incorporate the Williamsburgh Lyceum," with the accompanying amendments.

The said amendments having been read,

Mr. C. F. Crosby moved that the House concur therein.

*Ordered*, That the said motion be laid on the table.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act to construct a bridge over Buffalo creek, on the Abbott's road in the county of Erie," with the accompanying amendments.

The said amendments having been read,

Mr. D. Lee moved that the House concur therein.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. D. Lee, and it was determined in the affirmative.

*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred with them in the said amendments, and amended the bill accordingly.

A message from the Senate, with the bills therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act for the relief of William Vandervoort;" and the bill entitled "An act to amend an act entitled 'An act to incorporate the Albany Medical College,' passed February 16th, 1839," severally without amendment.

*Ordered,* That the Clerk deliver the said bills to the Governor.

A message from the Senate, with the bill and amendments therein mentioned, was received and read, informing that the Senate had concurred in the amendments of the Assembly to the bill entitled "An act to incorporate the village of Remsen," and amended the same accordingly.

The said amended bill having been examined,

*Ordered,* That the Clerk return the same to the Senate.

Mr. Titus, from the committee on trade and manufactures, to which was referred the petition of Ralph Buckley and others, praying for the passage of an act for the better protection of life in cases of steamboat accidents, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Titus accordingly brought in the said bill, entitled "An act for the protection of life in cases of disasters in steamboats and other water crafts;" which was read the first time, and by unanimous consent was also read a second time.

Mr. Titus moved that the said bill be ordered to be engrossed for a third reading.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Titus, and it was determined in the affirmative.

Mr. Russell, from the committee on ways and means, to which was referred the bill entitled "An act to equalize taxation," with instructions to report the same complete, reported, that the committee had gone through the said bill, and agreed to the same without amendment; which he was directed to report to the house.

Mr. Comstock moved to lay the said report on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Comstock, and it was determined in the negative.

Mr. Bailey moved that the said bill be committed to a committee of the whole, and that the House now proceed to the consideration of the same in such committee.

Debates were had thereon; when

Mr. Walrath called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Whereupon,

Mr. Speaker put the question whether the House would agree with the committee on ways and means, in their report on the said bill, and it was determined in the affirmative.

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 49 | } |
|   | NAYS   | 46 |   |
|   | ABSENT | 33 |   |

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. Gifford      | Mr. Newkirk         |
| Mr. Bagg        | Mr. Harden       | Mr. Porter          |
| Mr. Barber      | Mr. Harris       | Mr. Preston         |
| Mr. Betts       | Mr. Hazelton     | Mr. Raymond         |
| Mr. Bevens      | Mr. Heermans     | Mr. Rice            |
| Mr. Bloss       | Mr. Hervey       | Mr. Russell         |
| Mr. Boughton    | Mr. Hine         | Mr. Sager           |
| Mr. Bowen       | Mr. Horton       | Mr. Sears           |
| Mr. J. Brooks   | Mr. Howard       | Mr. W. Smith        |
| Mr. M. Brooks   | Mr. Jarvis       | Mr. Spring          |
| Mr. S. A. Brown | Mr. Knapp        | Mr. R. L. Stevenson |
| Mr. Bunker      | Mr. T. R. Lee    | Mr. Sweeney         |
| Mr. Burdick     | Mr. M'Donald     | Mr. Tibbits         |
| Mr. Carpenter   | Mr. M'Key        | Mr. Van Schoonhoven |
| Mr. Chase       | Mr. C. B. Miller | Mr. Whitney         |
| Mr. Danforth    | Mr. Morris       | Mr. Wilcox          |
| Mr. Fonda       |                  |                     |

49

Those who voted in the negative are

|                  |                |                  |
|------------------|----------------|------------------|
| Mr. Bailey       | Mr. Hannum     | Mr. Rogers       |
| Mr. Billings     | Mr. Huntington | Mr. Ross         |
| Mr. L. H. Brown  | Mr. Jones      | Mr. Salisbury    |
| Mr. Bush         | Mr. Kinne      | Mr. Searing      |
| Mr. Comstock     | Mr. D. Lee     | Mr. A. C. Smith  |
| Mr. Constant     | Mr. Litchfield | Mr. Speaker      |
| Mr. Crain        | Mr. M'Carthy   | Mr. J. Stevenson |
| Mr. C. F. Crosby | Mr. M'Vean     | Mr. Strobbridge  |
| Mr. Culver       | Mr. Mather     | Mr. Tefft        |
| Mr. Dewey        | Mr. Mersereau  | Mr. Thayer       |
| Mr. Field        | Mr. S. Miller  | Mr. Thompson     |
| Mr. Garretson    | Mr. Morrison   | Mr. Titus        |
| Mr. D. Gould     | Mr. Niven      | Mr. Walrath      |
| Mr. G. Goold     | Mr. Oakley     | Mr. Wheeler      |
| Mr. Gregory      | Mr. Pierce     | Mr. Wynant       |
| Mr. Hammond      |                |                  |

46

And those who were absent are

|                 |             |             |
|-----------------|-------------|-------------|
| Mr. Blake       | Mr. Dickson | Mr. Pardee  |
| Mr. Brower      | Mr. Edwards | Mr. Sherman |
| Mr. A. H. Buell | Mr. Fellows | Mr. Skelton |



|               |             |                     |
|---------------|-------------|---------------------|
| Mr. T. Buel   | Mr. Fenn    | Mr. Tuthill         |
| Mr. Cameron   | Mr. Frisbee | Mr. Van Valkenburgh |
| Mr. Casner    | Mr. Hall    | Mr. Wells           |
| Mr. Coe       | Mr. Hunt    | Mr. White           |
| Mr. Collins   | Mr. Johnson | Mr. Worden          |
| Mr. E. Crosby | Mr. Long    | Mr. Wyckoff         |
| Mr. Dayton    | Mr. Mann    | Mr. A. W. Young     |
| Mr. De Puy    | Mr. Moulton | Mr. J. Young        |

33

Mr. T. R. Lee moved that the House reconsider the said vote.

Mr. T. R. Lee also moved that the question on the reconsideration of the said vote be laid upon the table.

Mr. Speaker put the question whether the House would agree to the last motion of Mr. T. R. Lee, and it was determined in the negative.

|   |        |    |
|---|--------|----|
| { | AYES   | 46 |
|   | NAYS   | 53 |
|   | ABSENT | 29 |

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                  |                |                 |
|------------------|----------------|-----------------|
| Mr. Bailey       | Mr. Hammond    | Mr. Pierce      |
| Mr. Billings     | Mr. Huntington | Mr. Rogers      |
| Mr. L. H. Brown  | Mr. Jarvis     | Mr. Ross        |
| Mr. Bush         | Mr. Jones      | Mr. Salisbury   |
| Mr. Carpenter    | Mr. Kinne      | Mr. Searing     |
| Mr. Comstock     | Mr. T. R. Lee  | Mr. A. C. Smith |
| Mr. Constant     | Mr. Litchfield | Mr. Speaker     |
| Mr. Crain        | Mr. M'Carthy   | Mr. Strobridge  |
| Mr. C. F. Crosby | Mr. M'Vean     | Mr. Tefft       |
| Mr. Culver       | Mr. Mather     | Mr. Thayer      |
| Mr. Dewey        | Mr. Mersereau  | Mr. Thompson    |
| Mr. Field        | Mr. S. Miller  | Mr. Titus       |
| Mr. Garretson    | Mr. Niven      | Mr. Walrath     |
| Mr. D. Gould     | Mr. Oakley     | Mr. Wheeler     |
| Mr. G. Goold     | Mr. Pardee     | Mr. Whitney     |
| Mr. Gregory      |                |                 |

46

Those who voted in the negative are

|              |              |             |
|--------------|--------------|-------------|
| Mr. Bachman  | Mr. Gifford  | Mr. Preston |
| Mr. Bagg     | Mr. Hannum   | Mr. Raymond |
| Mr. Barber   | Mr. Harris   | Mr. Rice    |
| Mr. Betts    | Mr. Hazelton | Mr. Russell |
| Mr. Bevens   | Mr. Heermans | Mr. Sager   |
| Mr. Bloss    | Mr. Hervey   | Mr. Sears   |
| Mr. Boughton | Mr. Hine     | Mr. Sherman |
| Mr. Bowen    | Mr. Horton   | Mr. Skelton |

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. J. Brooks   | Mr. Howard       | Mr. W. Smith        |
| Mr. M. Brooks   | Mr. Johnson      | Mr. Spring          |
| Mr. S. A. Brown | Mr. Knapp        | Mr. J. Stevenson    |
| Mr. Bunker      | Mr. D. Lee       | Mr. R. L. Stevenson |
| Mr. Burdick     | Mr. M'Donald     | Mr. Sweeney         |
| Mr. Casner      | Mr. M'Key        | Mr. Tibbits         |
| Mr. Chase       | Mr. Mann         | Mr. Van Schoonhoven |
| Mr. Danforth    | Mr. C. B. Miller | Mr. Wilcox          |
| Mr. Dickson     | Mr. Morris       | Mr. Wynant          |
| Mr. Fonda       | Mr. Porter       |                     |

53

And those who were absent are

|                 |              |                     |
|-----------------|--------------|---------------------|
| Mr. Blake       | Mr. Edwards  | Mr. Newkirk         |
| Mr. Brower      | Mr. Fellows  | Mr. Tuthill         |
| Mr. A. H. Buell | Mr. Fenn     | Mr. Van Valkenburgh |
| Mr. T. Buel     | Mr. Frisbee  | Mr. Wells           |
| Mr. Cameron     | Mr. Hall     | Mr. White           |
| Mr. Coe         | Mr. Harden   | Mr. Worden          |
| Mr. Collins     | Mr. Hunt     | Mr. Wyckoff         |
| Mr. E. Crosby   | Mr. Long     | Mr. A. W. Young     |
| Mr. Dayton      | Mr. Morrison | Mr. J. Young        |
| Mr. De Puy      | Mr. Moulton  |                     |

29

The question then recurred on agreeing to reconsider the said vote.

Mr. M. Brooks called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Whereupon,

Mr. Speaker put the question whether the House would agree to the motion made by Mr. T. R. Lee to reconsider the vote agreeing with the committee on ways and means in their report on the bill entitled "An act to equalize taxation," and it was determined in the negative.

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 39 | } |
|   | NAYS   | 58 |   |
|   | ABSENT | 31 |   |

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |                |                  |
|-----------------|----------------|------------------|
| Mr. Bailey      | Mr. Hammond    | Mr. Salisbury    |
| Mr. Billings    | Mr. Huntington | Mr. Searing      |
| Mr. L. H. Brown | Mr. Jones      | Mr. A. C. Smith  |
| Mr. Bush        | Mr. T. R. Lee  | Mr. Speaker      |
| Mr. Comstock    | Mr. Litchfield | Mr. J. Stevenson |
| Mr. Constant    | Mr. M'Vean     | Mr. Strobbridge  |

|                  |               |              |    |
|------------------|---------------|--------------|----|
| Mr. C. F. Crosby | Mr. Mather    | Mr. Tefft    |    |
| Mr. Culver       | Mr. Mersereau | Mr. Thayer   |    |
| Mr. Field        | Mr. S. Miller | Mr. Thompson |    |
| Mr. Garretson    | Mr. Niven     | Mr. Titus    |    |
| Mr. D. Gould     | Mr. Oakley    | Mr. Walrath  |    |
| Mr. G. Goold     | Mr. Pardee    | Mr. Wheeler  |    |
| Mr. Gregory      | Mr. Ross      | Mr. Whitney  | 39 |

Those who voted in the negative are

|               |                  |                     |    |
|---------------|------------------|---------------------|----|
| Mr. Bachman   | Mr. Fonda        | Mr. Morris          |    |
| Mr. Bagg      | Mr. Gifford      | Mr. Porter          |    |
| Mr. Barber    | Mr. Hannum       | Mr. Preston         |    |
| Mr. Betts     | Mr. Harris       | Mr. Raymond         |    |
| Mr. Bevens    | Mr. Hazelton     | Mr. Rice            |    |
| Mr. Bloss     | Mr. Heermans     | Mr. Russell         |    |
| Mr. Boughton  | Mr. Hervey       | Mr. Sager           |    |
| Mr. Bowen     | Mr. Hine         | Mr. Sears           |    |
| Mr. J. Brooks | Mr. Horton       | Mr. Sherman         |    |
| Mr. M. Brooks | Mr. Howard       | Mr. Skelton         |    |
| Mr. Bunker    | Mr. Jarvis       | Mr. W. Smith        |    |
| Mr. Burdick   | Mr. Johnson      | Mr. Spring          |    |
| Mr. Carpenter | Mr. Kinne        | Mr. R. L. Stevenson |    |
| Mr. Casner    | Mr. Knapp        | Mr. Sweeney         |    |
| Mr. Chase     | Mr. D. Lee       | Mr. Tibbits         |    |
| Mr. Coe       | Mr. M'Donald     | Mr. Tuthill         |    |
| Mr. Crain     | Mr. M'Key        | Mr. Van Schoonhoven |    |
| Mr. Danforth  | Mr. Mann         | Mr. Wilcox          |    |
| Mr. Dewey     | Mr. C. B. Miller | Mr. Wynant          |    |
| Mr. Dickson   |                  |                     | 58 |

And those who were absent are

|                 |              |                     |    |
|-----------------|--------------|---------------------|----|
| Mr. Blake       | Mr. Fellows  | Mr. Newkirk         |    |
| Mr. Brower      | Mr. Fenn     | Mr. Pierce          |    |
| Mr. S. A. Brown | Mr. Frisbee  | Mr. Rogers          |    |
| Mr. A. H. Buell | Mr. Hall     | Mr. Van Valkenburgh |    |
| Mr. T. Buel     | Mr. Harden   | Mr. Wells           |    |
| Mr. Cameron     | Mr. Hunt     | Mr. White           |    |
| Mr. Collins     | Mr. Long     | Mr. Worden          |    |
| Mr. E. Crosby   | Mr. M'Carthy | Mr. Wyckoff         |    |
| Mr. Dayton      | Mr. Morrison | Mr. A. W. Young     |    |
| Mr. De Puy      | Mr. Moulton  | Mr. J. Young        |    |
| Mr. Edwards     |              |                     | 31 |

*Ordered,* That the said bill be engrossed for a third reading.

By unanimous consent,

Mr. Hine presented the petition of sundry inhabitants of the town of Kingston in the county of Ulster, praying for the passage of an act authorising the holding of a special town meeting for the election of a

justice of the peace in said town ; which was read, and referred to the committee on the judiciary.

Mr. Oakley, from the select committee to which was referred the bill entitled "An act to improve the militia of this State," with instructions to report the same complete, reported, that the committee had gone through the said bill, and agreed to the same without amendment ; which he was directed to report to the house.

Mr. Fonda moved to lay the said report upon the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Fonda, and it was determined in the negative.

Mr. Sweeney called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Whereupon,

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. M'Key, from the select committee to which was referred the petition of sundry inhabitants of the county of Madison, in relation to the case of Thomas W. Dorr of Rhode-Island, reported in writing, and concluded by offering the following resolutions, to wit :

*Resolved*, That while the committee disavow the right of the people of one State directly to interfere with the internal affairs or civil jurisprudence of any other State, yet we claim the right of expressing our opinion in all such cases, in a temperate, friendly and dispassionate manner.

*Resolved*, That the acts of the people of the State of Rhode-Island, in the formation and adoption of the People's Constitution of 1841, were characterized with extreme prudence and caution, admirably calculated to guard against frauds, and to obtain a fair expression of the will of the people.

*Resolved*, That the constitution above referred to, and the government established under it, were, in the opinion of the committee, emphatically the constitution and government of the State, adopted and organized by a large majority of the people of the State, in the rightful and lawful exercise of their sovereign and inalienable rights.

*Resolved*, That the incarceration of Thomas W. Dorr, for his participation in the philanthropic work of establishing an equitable government in his own State, is not warranted by the nature of the case ; and that his unconditional restoration to liberty is demanded by justice, by humanity, and by public opinion.

[See Document No. 248.]

Mr. C. F. Crosby moved to lay the said report and resolutions upon the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. C. F. Crosby, and it was determined in the negative.



|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 43 | } |
| { | NAYS   | 46 | } |
| { | ABSENT | 39 | } |

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                  |               |                     |
|------------------|---------------|---------------------|
| Mr. Bagg         | Mr. Gifford   | Mr. Oakley          |
| Mr. Barber       | Mr. G. Goold  | Mr. Raymond         |
| Mr. Betts        | Mr. Hammond   | Mr. Rice            |
| Mr. Bloss        | Mr. Hannum    | Mr. Ross            |
| Mr. Bowen        | Mr. Harris    | Mr. Sherman         |
| Mr. S. A. Brown  | Mr. Jarvis    | Mr. Strobridge      |
| Mr. Bush         | Mr. Johnson   | Mr. Tibbits         |
| Mr. Casner       | Mr. D. Lee    | Mr. Tuthill         |
| Mr. Coe          | Mr. M'Vean    | Mr. Van Schoonhoven |
| Mr. Collins      | Mr. Mann      | Mr. Wheeler         |
| Mr. C. F. Crosby | Mr. Mersereau | Mr. Wilcox          |
| Mr. Dewey        | Mr. S. Miller | Mr. Wynant          |
| Mr. Edwards      | Mr. Morrison  | Mr. A. W. Young     |
| Mr. Field        | Mr. Niven     | Mr. J. Young        |
| Mr. Garretson    |               |                     |

43

Those who voted in the negative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. D. Gould     | Mr. Preston         |
| Mr. Bailey      | Mr. Harden       | Mr. Sager           |
| Mr. Bevens      | Mr. Hazelton     | Mr. Salisbury       |
| Mr. Billings    | Mr. Heermans     | Mr. Searing         |
| Mr. Boughton    | Mr. Hervey       | Mr. Sears           |
| Mr. J. Brooks   | Mr. Hine         | Mr. Skelton         |
| Mr. M. Brooks   | Mr. Kinne        | Mr. A. C. Smith     |
| Mr. L. H. Brown | Mr. Knapp        | Mr. W. Smith        |
| Mr. Burdick     | Mr. T. R. Lee    | Mr. J. Stevenson    |
| Mr. Carpenter   | Mr. M'Carthy     | Mr. R. L. Stevenson |
| Mr. Chase       | Mr. M'Donald     | Mr. Tefft           |
| Mr. Constant    | Mr. M'Key        | Mr. Thayer          |
| Mr. Crain       | Mr. C. B. Miller | Mr. Titus           |
| Mr. Danforth    | Mr. Morris       | Mr. Walrath         |
| Mr. Dickson     | Mr. Porter       | Mr. Whitney         |
| Mr. Fonda       |                  |                     |

46

And those who were absent are

|                 |             |             |
|-----------------|-------------|-------------|
| Mr. Blake       | Mr. Frisbee | Mr. Pardee  |
| Mr. Brower      | Mr. Gregory | Mr. Pierce  |
| Mr. A. H. Buell | Mr. Hall    | Mr. Rogers  |
| Mr. T. Buel     | Mr. Horton  | Mr. Russell |
| Mr. Bunker      | Mr. Howard  | Mr. Speaker |

|               |                |                     |
|---------------|----------------|---------------------|
| Mr. Cameron   | Mr. Hunt       | Mr. Spring          |
| Mr. Comstock  | Mr. Huntington | Mr. Sweeney         |
| Mr. E. Crosby | Mr. Jones      | Mr. Thompson        |
| Mr. Culver    | Mr. Litchfield | Mr. Van Valkenburgh |
| Mr. Dayton    | Mr. Long       | Mr. Wells           |
| Mr. De Puy    | Mr. Mather     | Mr. White           |
| Mr. Fellows   | Mr. Moulton    | Mr. Worden          |
| Mr. Fenn      | Mr. Newkirk    | Mr. Wyckoff         |

39

Mr. Chase moved to print ten times the usual number of copies of the said report and resolutions.

Mr. T. R. Lee called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Whereupon,

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Chase, and it was determined in the affirmative.

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 56 | } |
| { | NAYS   | 45 | } |
| { | ABSENT | 27 | } |

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. D. Gould     | Mr. Preston         |
| Mr. Bailey      | Mr. Gregory      | Mr. Russell         |
| Mr. Betts       | Mr. Harden       | Mr. Sager           |
| Mr. Bevins      | Mr. Harris       | Mr. Salisbury       |
| Mr. Billings    | Mr. Hazelton     | Mr. Searing         |
| Mr. Boughton    | Mr. Heermans     | Mr. Sears           |
| Mr. J. Brooks   | Mr. Hervey       | Mr. Skelton         |
| Mr. M. Brooks   | Mr. Hine         | Mr. A. C. Smith     |
| Mr. L. H. Brown | Mr. Jones        | Mr. W. Smith        |
| Mr. Bunker      | Mr. Kinne        | Mr. Speaker         |
| Mr. Burdick     | Mr. Knapp        | Mr. R. L. Stevenson |
| Mr. Carpenter   | Mr. M'Carthy     | Mr. Tefft           |
| Mr. Chase       | Mr. M'Donald     | Mr. Thayer          |
| Mr. Comstock    | Mr. M'Key        | Mr. Tibbits         |
| Mr. Constant    | Mr. C. B. Miller | Mr. Titus           |
| Mr. Crain       | Mr. S. Miller    | Mr. Walrath         |
| Mr. Danforth    | Mr. Morris       | Mr. Wheeler         |
| Mr. Dickson     | Mr. Newkirk      | Mr. Whitney         |
| Mr. Fonda       | Mr. Porter       |                     |

56

Those who voted in the negative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Bagg         | Mr. Garretson  | Mr. Morrison        |
| Mr. Barber       | Mr. Gifford    | Mr. Niven           |
| Mr. Bloss        | Mr. G. Goold   | Mr. Raymond         |
| Mr. Bowen        | Mr. Hammond    | Mr. Rice            |
| Mr. S. A. Brown  | Mr. Hannum     | Mr. Ross            |
| Mr. Bush         | Mr. Horton     | Mr. Sherman         |
| Mr. Casner       | Mr. Huntington | Mr. J. Stevenson    |
| Mr. Coe          | Mr. Jarvis     | Mr. Strobridge      |
| Mr. Collins      | Mr. Johnson    | Mr. Sweeney         |
| Mr. C. F. Crosby | Mr. T. R. Lee  | Mr. Thompson        |
| Mr. Culver       | Mr. Litchfield | Mr. Van Schoonhoven |
| Mr. Dewey        | Mr. M'Vean     | Mr. Wilcox          |
| Mr. Edwards      | Mr. Mann       | Mr. Wynant          |
| Mr. Field        | Mr. Mather     | Mr. A. W. Young     |
| Mr. Frisbee      | Mr. Mersereau  | Mr. J. Young        |

45

And those who were absent are

|                 |             |                     |
|-----------------|-------------|---------------------|
| Mr. Blake       | Mr. Fenn    | Mr. Pierce          |
| Mr. Brower      | Mr. Hall    | Mr. Rogers          |
| Mr. A. H. Buell | Mr. Howard  | Mr. Spring          |
| Mr. T. Buel     | Mr. Hunt    | Mr. Tuthill         |
| Mr. Cameron     | Mr. D. Lee  | Mr. Van Valkenburgh |
| Mr. E. Crosby   | Mr. Long    | Mr. Wells           |
| Mr. Dayton      | Mr. Moulton | Mr. White           |
| Mr. De Puy      | Mr. Oakley  | Mr. Worden          |
| Mr. Fellows     | Mr. Pardee  | Mr. Wyckoff         |

27

Mr. T. R. Lee moved that the question on agreeing to the report of the said committee be laid upon the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. T. R. Lee, and it was determined in the affirmative.

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 57 | } |
|   | NAYS   | 40 |   |
|   | ABSENT | 31 |   |

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|               |               |                 |
|---------------|---------------|-----------------|
| Mr. Bachman   | Mr. Hine      | Mr. Rogers      |
| Mr. Bagg      | Mr. Howard    | Mr. Russell     |
| Mr. Bailey    | Mr. Jarvis    | Mr. Sager       |
| Mr. Bevens    | Mr. Kinne     | Mr. Salisbury   |
| Mr. Billings  | Mr. Knapp     | Mr. Searing     |
| Mr. Boughton  | Mr. T. R. Lee | Mr. Skelton     |
| Mr. J. Brooks | Mr. M'Carthy  | Mr. A. C. Smith |

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. M. Brooks   | Mr. M'Donald     | Mr. W. Smith        |
| Mr. L. H. Brown | Mr. M'Key        | Mr. Speaker         |
| Mr. Bunker      | Mr. Mather       | Mr. R. L. Stevenson |
| Mr. Comstock    | Mr. Mersereau    | Mr. Strobbridge     |
| Mr. Crain       | Mr. C. B. Miller | Mr. Tefft           |
| Mr. Danforth    | Mr. S. Miller    | Mr. Thayer          |
| Mr. Dickson     | Mr. Morris       | Mr. Thompson        |
| Mr. Fonda       | Mr. Newkirk      | Mr. Titus           |
| Mr. D. Gould    | Mr. Niven        | Mr. Tuthill         |
| Mr. Harden      | Mr. Pardee       | Mr. Walrath         |
| Mr. Hazelton    | Mr. Porter       | Mr. Wheeler         |
| Mr. Hervey      | Mr. Preston      | Mr. Whitney         |

57

## Those who voted in the negative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Barber       | Mr. Garretson  | Mr. Raymond         |
| Mr. Betts        | Mr. Gifford    | Mr. Rice            |
| Mr. Bowen        | Mr. G. Goold   | Mr. Ross            |
| Mr. Bush         | Mr. Hannum     | Mr. Sherman         |
| Mr. Casner       | Mr. Harris     | Mr. Spring          |
| Mr. Chase        | Mr. Heermans   | Mr. J. Stevenson    |
| Mr. Coe          | Mr. Horton     | Mr. Sweeney         |
| Mr. Collins      | Mr. Huntington | Mr. Tibbits         |
| Mr. C. F. Crosby | Mr. Johnson    | Mr. Van Schoonhoven |
| Mr. Culver       | Mr. D. Lee     | Mr. Wilcox          |
| Mr. Dewey        | Mr. Litchfield | Mr. Wynant          |
| Mr. Edwards      | Mr. M'Vean     | Mr. A. W. Young     |
| Mr. Field        | Mr. Mann       | Mr. J. Young        |
| Mr. Frisbee      | Mr. Oakley     |                     |

41

## And those who were absent are

|                 |               |                     |
|-----------------|---------------|---------------------|
| Mr. Blake       | Mr. E. Crosby | Mr. Long            |
| Mr. Bloss       | Mr. Dayton    | Mr. Morrison        |
| Mr. Brower      | Mr. De Puy    | Mr. Moulton         |
| Mr. S. A. Brown | Mr. Fellows   | Mr. Pierce          |
| Mr. A. H. Buell | Mr. Fenn      | Mr. Sears           |
| Mr. T. Buel     | Mr. Gregory   | Mr. Van Valkenburgh |
| Mr. Burdick     | Mr. Hall      | Mr. Wells           |
| Mr. Cameron     | Mr. Hammond   | Mr. White           |
| Mr. Carpenter   | Mr. Hunt      | Mr. Worden          |
| Mr. Constant    | Mr. Jones     | Mr. Wyckoff         |

30

A message from the Senate, with the bill and amendments therein mentioned, was received and read, informing that the Senate had consented to the appointment of a committee of conference on the amendments to the bill entitled "An act to provide for the removal of cases decided by the Canal Board, to the Supreme Court, by certiorari," which are the subject of disagreement between the two houses; and that Mr. Bockee, Mr. Johnson and Mr. Chamberlain, were of the said committee on the part of the Senate.



On motion of Mr. L. H. Brown,

The House proceeded to the consideration of the bill entitled "An act in relation to the Chenango bridge."

Mr. Coe moved to lay the said bill upon the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Coe, and it was determined in the negative.

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 41 | } |
| { | NAYS   | 62 | } |
| { | ABSENT | 25 | } |

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|             |                |                     |
|-------------|----------------|---------------------|
| Mr. Barber  | Mr. Garretson  | Mr. Mersereau       |
| Mr. Betts   | Mr. Gifford    | Mr. Newkirk         |
| Mr. Bloss   | Mr. G. Goold   | Mr. Oakley          |
| Mr. Bowen   | Mr. Hammond    | Mr. Raymond         |
| Mr. Bush    | Mr. Hannum     | Mr. Rice            |
| Mr. Casner  | Mr. Horton     | Mr. Sherman         |
| Mr. Coe     | Mr. Huntington | Mr. Spring          |
| Mr. Collins | Mr. Jarvis     | Mr. J. Stevenson    |
| Mr. Culver  | Mr. Johnson    | Mr. Tibbits         |
| Mr. Dewey   | Mr. D. Lee     | Mr. Van Schoonhoven |
| Mr. Edwards | Mr. Litchfield | Mr. Wilcox          |
| Mr. Field   | Mr. M'Vean     | Mr. A. W. Young     |
| Mr. Fonda   | Mr. Mann       | Mr. J. Young        |
| Mr. Frisbee | Mr. Mather     |                     |

41

Those who voted in the negative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Heermans     | Mr. Salisbury       |
| Mr. Bagg         | Mr. Hervey       | Mr. Searing         |
| Mr. Bailey       | Mr. Hine         | Mr. Sears           |
| Mr. Bevens       | Mr. Kinne        | Mr. Skelton         |
| Mr. Boughton     | Mr. Knapp        | Mr. A. C. Smith     |
| Mr. J. Brooks    | Mr. T. R. Lee    | Mr. W. Smith        |
| Mr. M. Brooks    | Mr. M'Carthy     | Mr. Speaker         |
| Mr. L. H. Brown  | Mr. M'Donald     | Mr. R. L. Stevenson |
| Mr. Burdick      | Mr. M'Key        | Mr. Strobbridge     |
| Mr. Carpenter    | Mr. C. B. Miller | Mr. Sweeney         |
| Mr. Comstock     | Mr. S. Miller    | Mr. Tefft           |
| Mr. Constant     | Mr. Morris       | Mr. Thayer          |
| Mr. Crain        | Mr. Niven        | Mr. Thompson        |
| Mr. C. F. Crosby | Mr. Pardee       | Mr. Titus           |
| Mr. Danforth     | Mr. Pierce       | Mr. Tnithill        |
| Mr. Dickson      | Mr. Porter       | Mr. Walrath         |
| Mr. D. Gould     | Mr. Preston      | Mr. Wheeler         |
| Mr. Gregory      | Mr. Rogers       | Mr. Whitney         |

Mr. Harden  
Mr. Harris  
Mr. Hazelton

Mr. Ross  
Mr. Russell  
Mr. Sager

Mr. Wyckoff  
Mr. Wynant

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And those who were absent are

Mr. Billings  
Mr. Blake  
Mr. Brower  
Mr. S. A. Brown  
Mr. A. H. Buell  
Mr. T. Buel  
Mr. Bunker  
Mr. Cameron  
Mr. Chase

Mr. E. Crosby  
Mr. Dayton  
Mr. De Puy  
Mr. Fellows  
Mr. Fenn  
Mr. Hall  
Mr. Howard  
Mr. Hunt

Mr. Jones  
Mr. Long  
Mr. Morrison  
Mr. Moulton  
Mr. Van Valkenburgh  
Mr. Wells  
Mr. White  
Mr. Worden

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Mr. Coe, from the committee on canals, to which was referred the bill from the Senate, entitled "An act for the relief of John H. Boyd," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. A. C. Smith, from the committee on the internal affairs of towns and counties, to which was referred the bill from the Senate, entitled "An act to authorise the common council of the city of Utica to levy a tax, to defray the cost of certain improvements at and near Nail creek," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

On motion of Mr. A. C. Smith,

*Ordered*, That the said bill do have its third reading.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to incorporate the Apalachicola Land Company;" the bill entitled "An act to amend an act entitled 'An act more effectually to provide for common school education in the city and county of New-York,' passed May 7, 1844;" and the bill entitled "An act to amend the charter of the Jefferson Insurance Company in the city of New-York," and found the same severally correctly engrossed.

*Ordered*, That the said bills do have their third reading.

Mr. Carpenter, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to amend an act entitled 'An act to aid the Albany Medical College, the medical institution of Geneva College, and the medical department of the New-York University,' passed May 6th, 1844," and found the same correctly engrossed.

*Ordered*, That the said bill do have its third reading.

Mr. Harris, from the minority of the select committee to which were referred the several petitions praying for an alteration of the law of landlord and tenant, asked for and obtained leave to report in writing.

[See Document No. 247.]

Mr. Bush moved that ten times the usual number of copies of said report be printed for the use of the Legislature.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Bush, and it was determined in the affirmative.

Mr. Harris, from the same committee, asked for and obtained leave to bring in a bill, entitled "An act to abolish distress for rent, and for other purposes ;" which was read the first time.

The second reading having been objected to,

*Ordered*, That the said bill be laid on the table.

Mr. Harris, from the same committee, asked for and obtained leave to bring in a bill, entitled "An act concerning tenures ;" which was read the first time.

The second reading having been objected to,

*Ordered*, That the said bill be laid on the table.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act to condense and amend the several acts relating to the village of Geneseo," with the accompanying amendments.

The said amendments having been read,

Mr. J. Young moved that the House concur therein.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. J. Young, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 98 | } |
| { | NAYS   | 00 | } |
| { | ABSENT | 30 | } |

Those who voted in the affirmative are

|               |                |                     |
|---------------|----------------|---------------------|
| Mr. Bachman   | Mr. G. Goold   | Mr. Raymond         |
| Mr. Bagg      | Mr. Gregory    | Mr. Rice            |
| Mr. Barber    | Mr. Hammond    | Mr. Rogers          |
| Mr. Betts     | Mr. Hannum     | Mr. Russell         |
| Mr. Bevens    | Mr. Harden     | Mr. Sager           |
| Mr. Billings  | Mr. Hazelton   | Mr. Salisbury       |
| Mr. Bloss     | Mr. Heermans   | Mr. Searing         |
| Mr. Boughton  | Mr. Hervey     | Mr. Sears           |
| Mr. Bowen     | Mr. Hine       | Mr. Sherman         |
| Mr. J. Brooks | Mr. Horton     | Mr. Skelton         |
| Mr. M. Brooks | Mr. Huntington | Mr. A. C. Smith     |
| Mr. Bunker    | Mr. Jarvis     | Mr. W. Smith        |
| Mr. Burdick   | Mr. Johnson    | Mr. Speaker         |
| Mr. Bush      | Mr. Kinne      | Mr. Spring          |
| Mr. Carpenter | Mr. Knapp      | Mr. J. Stevenson    |
| Mr. Casner    | Mr. D. Lee     | Mr. R. L. Stevenson |
| Mr. Chase     | Mr. Litchfield | Mr. Strobridge      |
| Mr. Coe       | Mr. McDonald   | Mr. Sweeney         |
| Mr. Collins   | Mr. M'Key      | Mr. Tefft           |

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Comstock     | Mr. M'Vean       | Mr. Thayer          |
| Mr. Constant     | Mr. Mann         | Mr. Thompson        |
| Mr. C. F. Crosby | Mr. Mather       | Mr. Tibbits         |
| Mr. Culver       | Mr. Mersereau    | Mr. Titus           |
| Mr. Danforth     | Mr. C. B. Miller | Mr. Tutbill         |
| Mr. De Puy       | Mr. S. Miller    | Mr. Van Schoonhoven |
| Mr. Dewey        | Mr. Morris       | Mr. Walrath         |
| Mr. Edwards      | Mr. Morrison     | Mr. Wheeler         |
| Mr. Field        | Mr. Newkirk      | Mr. Whitney         |
| Mr. Fonda        | Mr. Oakley       | Mr. Wyckoff         |
| Mr. Frisbee      | Mr. Pardee       | Mr. Wynant          |
| Mr. Garretson    | Mr. Pierce       | Mr. A. W. Young     |
| Mr. Gifford      | Mr. Porter       | Mr. J. Young        |
| Mr. D. Gould     | Mr. Preston      |                     |

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And those who were absent are

|                 |               |                     |
|-----------------|---------------|---------------------|
| Mr. Bailey      | Mr. Dayton    | Mr. Long            |
| Mr. Blake       | Mr. Dickson   | Mr. M'Carthy        |
| Mr. Brower      | Mr. Fellows   | Mr. Moulton         |
| Mr. L. H. Brown | Mr. Fenn      | Mr. Niven           |
| Mr. S. A. Brown | Mr. Hall      | Mr. Ross            |
| Mr. A. H. Buell | Mr. Harris    | Mr. Van Valkenburgh |
| Mr. T. Buel     | Mr. Howard    | Mr. Wells           |
| Mr. Cameron     | Mr. Hunt      | Mr. White           |
| Mr. Crain       | Mr. Jones     | Mr. Wilcox          |
| Mr. E. Crosby   | Mr. T. R. Lee | Mr. Worden          |

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*Ordered,* That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred with them in the said amendments, and amended the bill accordingly.

The hour of twelve o'clock having arrived, the House, agreeably to the concurrent resolution of the Senate and Assembly, and pursuant to title first of chapter fifteenth of the first part of the Revised Statutes, proceeded to the nomination of a Regent of the University, in place of the Hon. Martin Van Buren, who has declined to serve; when each member present openly nominated as follows, to wit :

#### FOR JABEZ D. HAMMOND.

|                 |               |               |
|-----------------|---------------|---------------|
| Mr. Bachman     | Mr. Burdick   | Mr. Hazelton  |
| Mr. Bagg        | Mr. Carpenter | Mr. Hervey    |
| Mr. Bailey      | Mr. Chase     | Mr. Hine      |
| Mr. Billings    | Mr. Comstock  | Mr. Howard    |
| Mr. Bloss       | Mr. Constant  | Mr. Jones     |
| Mr. Boughton    | Mr. Crain     | Mr. Knapp     |
| Mr. J. Brooks   | Mr. Dickson   | Mr. T. R. Lee |
| Mr. M. Brooks   | Mr. Fonda     | Mr. M'Donald  |
| Mr. L. H. Brown | Mr. D. Gould  | Mr. M'Key     |
| Mr. S. A. Brown | Mr. Gregory   | Mr. Mather    |
| Mr. Bunker      | Mr. Harden    | Mr. Mersereau |



|                  |                     |                 |    |
|------------------|---------------------|-----------------|----|
| Mr. C. B. Miller | Mr. Sager           | Mr. Strobbridge |    |
| Mr. S. Miller    | Mr. Salisbury       | Mr. Tefft       |    |
| Mr. Morris       | Mr. Searing         | Mr. Thayer      |    |
| Mr. Newkirk      | Mr. Sears           | Mr. Thompson    |    |
| Mr. Pardee       | Mr. Skelton         | Mr. Titus       |    |
| Mr. Pierce       | Mr. A. C. Smith     | Mr. Tutbill     |    |
| Mr. Porter       | Mr. W. Smith        | Mr. Walrath     |    |
| Mr. Preston      | Mr. Speaker         | Mr. Wheeler     |    |
| Mr. Rogers       | Mr. Spring          | Mr. Whitney     |    |
| Mr. Ross         | Mr. J. Stevenson    | Mr. Wyckoff     |    |
| Mr. Russell      | Mr. R. L. Stevenson | Mr. Wynant      | 66 |

## FOR DANIEL CADY.

|                  |                |                     |    |
|------------------|----------------|---------------------|----|
| Mr. Barber       | Mr. Frisbee    | Mr. Johnson         |    |
| Mr. Betts        | Mr. Garretson  | Mr. D. Lee          |    |
| Mr. Bowen        | Mr. Gifford    | Mr. Litchfield      |    |
| Mr. Bush         | Mr. G. Goold   | Mr. M'Vean          |    |
| Mr. Casner       | Mr. Hammond    | Mr. Raymond         |    |
| Mr. Coe          | Mr. Hannum     | Mr. Rice            |    |
| Mr. Collins      | Mr. Harris     | Mr. Van Schoonhoven |    |
| Mr. C. F. Crosby | Mr. Heermans   | Mr. A. W. Young     |    |
| Mr. Dewey        | Mr. Horton     | Mr. J. Young        |    |
| Mr. Edwards      | Mr. Huntington |                     | 29 |

## FOR SAMUEL YOUNG.

|              |            |             |   |
|--------------|------------|-------------|---|
| Mr. Danforth | Mr. Niven  | Mr. Sweeney |   |
| Mr. Jarvis   | Mr. Oakley | Mr. Wilcox  | 6 |

## FOR MERIT BROOKS.

|             |             |  |   |
|-------------|-------------|--|---|
| Mr. Sherman | Mr. Tibbits |  | 2 |
|-------------|-------------|--|---|

## FOR AMBROSE SPENCER.

|            |  |  |   |
|------------|--|--|---|
| Mr. De Puy |  |  | 1 |
|------------|--|--|---|

## FOR HENRY A. FOSTER.

|           |  |  |   |
|-----------|--|--|---|
| Mr. Kinne |  |  | 1 |
|-----------|--|--|---|

## FOR BENJAMIN ENOS.

|              |  |  |   |
|--------------|--|--|---|
| Mr. Morrison |  |  | 1 |
|--------------|--|--|---|

Whereupon, on motion of Mr. Morris,

*Resolved*, That Jabez D. Hammond be, and he is hereby nominated on the part of the Assembly, a Regent of the University, in the place of the Hon. Martin Van Buren, who has declined to serve.

A resolution of the Senate was received and read, in the words following, to wit :

*Resolved*, (if the Assembly concur,) That the Senate will immediately meet the Assembly in the Assembly chamber, to compare their re-

spective nominations for the office of Regent of the University, in the place of the Hon. Martin Van Buren, who has declined to serve.

Thereupon,

*Resolved*, That the Assembly will immediately meet the Senate in the Assembly chamber, to compare their respective nominations for the said office.

*Ordered*, That the Clerk transmit a copy of the preceding resolution to the Senate.

The Senate accordingly attended in the Assembly chamber; and having withdrawn, Mr. Speaker informed the House, that on comparing the respective nominations, they were found to agree in the name of Jabez D. Hammond for the office of Regent of the University, in the place of the Hon. Martin Van Buren, who has declined to serve.

Whereupon,

*Resolved*, That Jabez D. Hammond be, and he is hereby appointed a Regent of the University of the State of New-York, in the place of the Hon. Martin Van Buren, who has declined to serve.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bill therewith delivered, entitled "An act to authorise the appointment of a supreme court commissioner to reside at Sandlake in the county of Rensselaer.

The said bill was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. Van Schoonhoven,

*Ordered*, That the said bill be now read the third time.

The said engrossed bill from the Senate was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

Mr. Oakley, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act reducing the rate of interest of money," and the bill entitled "An act in relation to mineral coal transported on the Erie canal," and found the same severally correctly engrossed.

*Ordered*, That the said bills do have their third reading.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to amend the act regulating highways and bridges in the counties of Suffolk, Queens and Kings, passed February 23d, 1830;" and the bill entitled "An act for the protection of life in cases of disasters in steamboats and other water crafts," and found the same severally correctly engrossed.

*Ordered*, That the said bills do have their third reading.

Mr. Edwards moved that the House do now adjourn.

Mr. Speaker put the question whether the House would agree to the said motion, and it was determined in the affirmative.

|   |        |    |
|---|--------|----|
| { | AYES   | 59 |
|   | NAYS   | 45 |
|   | ABSENT | 24 |

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                  |                  |                  |
|------------------|------------------|------------------|
| Mr. Bailey       | Mr. Garretson    | Mr. Pardee       |
| Mr. Betts        | Mr. Gifford      | Mr. Porter       |
| Mr. L. H. Brown  | Mr. Gregory      | Mr. Preston      |
| Mr. S. A. Brown  | Mr. Hannum       | Mr. Rice         |
| Mr. Bunker       | Mr. Harden       | Mr. Rogers       |
| Mr. Burdick      | Mr. Heermans     | Mr. Ross         |
| Mr. Bush         | Mr. Howard       | Mr. Salisbury    |
| Mr. Casner       | Mr. Jarvis       | Mr. Searing      |
| Mr. Chase        | Mr. Johnson      | Mr. Sherman      |
| Mr. Collins      | Mr. Jones        | Mr. Skelton      |
| Mr. Crain        | Mr. T. R. Lee    | Mr. W. Smith     |
| Mr. C. F. Crosby | Mr. M'Key        | Mr. J. Stevenson |
| Mr. Culver       | Mr. Mann         | Mr. Strobbridge  |
| Mr. Danforth     | Mr. Mather       | Mr. Thompson     |
| Mr. De Puy       | Mr. Mersereau    | Mr. Tibbits      |
| Mr. Dewey        | Mr. C. B. Miller | Mr. Titus        |
| Mr. Dickson      | Mr. S. Miller    | Mr. Tuthill      |
| Mr. Edwards      | Mr. Morris       | Mr. Wheeler      |
| Mr. Field        | Mr. Morrison     | Mr. Wilcox       |
| Mr. Frisbee      | Mr. Niven        |                  |

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Those who voted in the negative are

|               |                |                     |
|---------------|----------------|---------------------|
| Mr. Bachman   | Mr. G. Goold   | Mr. Russell         |
| Mr. Bagg      | Mr. Hammond    | Mr. Sager           |
| Mr. Barber    | Mr. Harris     | Mr. Sears           |
| Mr. Bevens    | Mr. Hazelton   | Mr. A. C. Smith     |
| Mr. Billings  | Mr. Hervey     | Mr. Speaker         |
| Mr. Bloss     | Mr. Hine       | Mr. Spring          |
| Mr. Boughton  | Mr. Huntington | Mr. R. L. Stevenson |
| Mr. Bowen     | Mr. Kinne      | Mr. Sweeney         |
| Mr. J. Brooks | Mr. Litchfield | Mr. Thayer          |
| Mr. M. Brooks | Mr. M'Carthy   | Mr. Van Schoonhoven |
| Mr. Coe       | Mr. M'Donald   | Mr. Walrath         |
| Mr. Comstock  | Mr. M'Vean     | Mr. Wyckoff         |
| Mr. Constant  | Mr. Newkirk    | Mr. Wynant          |
| Mr. Fonda     | Mr. Oakley     | Mr. A. W. Young     |
| Mr. D. Gould  | Mr. Raymond    | Mr. J. Young        |

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And those who were absent are

|                 |             |                     |
|-----------------|-------------|---------------------|
| Mr. Blake       | Mr. Fellows | Mr. Moulton         |
| Mr. Brower      | Mr. Fenn    | Mr. Pierce          |
| Mr. A. H. Buell | Mr. Hall    | Mr. Tefft           |
| Mr. T. Buel     | Mr. Horton  | Mr. Van Valkenburgh |
| Mr. Cameron     | Mr. Hunt    | Mr. Wells           |
| Mr. Carpenter   | Mr. Knapp   | Mr. White           |
| Mr. E. Crosby   | Mr. D. Lee  | Mr. Whitney         |
| Mr. Dayton      | Mr. Long    | Mr. Worden          |

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The House then adjourned to nine o'clock on Monday morning next.

## MONDAY, MAY 12, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Huntington.

By unanimous consent, on motion of Mr. Morrison, the reading of the minutes of Saturday was dispensed with.

The petition of sundry inhabitants of the county of Delaware, praying for an amendment of the act entitled "An act relative to the expenses incurred in enforcing the laws and preserving order," was read, and referred to the committee on the judiciary.

On motion of Mr. J. Young,

*Ordered*, That the order of business, consisting of the "Presentation of petitions," be passed over.

Mr. Bailey gave notice that, to-morrow, he would move to suspend all rules and orders of this House, interfering with a motion he designed to make, to the effect that the bill entitled "An act in relation to the Chenango bridge," be ordered to be engrossed for a third reading.

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the petition of sundry inhabitants of the county of Delaware, praying for an amendment of the act entitled "An act relative to the expenses incurred in enforcing the laws and preserving order," reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. T. R. Lee accordingly brought in the said bill, entitled "An act to amend an act entitled 'An act relative to the expenses incurred in enforcing the laws and preserving order in the counties of Delaware and Ulster,' passed April 14th, 1845;" which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. T. R. Lee,

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Thompson, from the committee on charitable and religious societies, to which was referred the bill entitled "An act to incorporate the Female Moral Reform Society in the city of New-York," reported, that the committee had examined the said bill, and are of opinion that the same ought not to become a law.

Mr. Bailey moved to lay the said report and bill upon the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Bailey, and it was determined in the affirmative.

Mr. Morrison, from the select committee to which were referred the several petitions praying for the passage of a law to abolish the punishment of death, reported in writing.

[See Document No. 249.]

Mr. Bailey moved that fifteen times the usual number of copies of the said report be printed for the use of the Legislature.



Mr. Niven moved that the said report be referred to the committee on public printing.

Mr. Mather moved to lay the said report on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Mather, and it was determined in the negative.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Niven, and it was determined in the negative.

Mr. Hannum moved that ten times the usual number of copies of the said report be printed.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Bailey, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the said motion of Mr. Hannum, and it was determined in the affirmative.

Mr. Strobridge, from the committee on claims, to which was referred the bill from the Senate, entitled "An act for the relief of Thomas J. Gilbert," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered,* That the said bill be committed to a committee of the whole house.

Mr. Russell, from the committee on the judiciary, asked for and obtained leave to bring in a bill, entitled "An act to amend an act entitled 'An act to reduce the number of town officers and town and county expenses, and to prevent abuses in auditing town and county accounts,' passed May 10th, 1845 ;" which was read the first time, and by unanimous consent was also read a second time.

Mr. Russell moved that the said bill be ordered to be engrossed for a third reading.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Russell, and it was determined in the affirmative.

Mr. M'Carthy gave notice that he would move, to-morrow, to suspend the fourth rule of the Assembly, for the purpose of reading certain bills which by said rule must go to the committee of the whole.

Mr. L. H. Brown, from the committee on colleges, academies and common schools, to which was referred the petition of sundry inhabitants of the village of Fredonia in the county of Chautauque, praying for the passage of a law making it imperative on parents to send their children to school, reported unfavorably to the prayer of the petitioners, and offered the following resolution, to wit :

*Resolved,* That the committee be discharged from the consideration of the said petition.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Oakley, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to improve the militia of this State," and the bill entitled "An act relative to the landing of alien passengers in the city of New-York," and found the same severally correctly engrossed.

*Ordered,* That the said bills do have their third reading.

Mr. Hannum, from the committee on engrossed bills, reported, that

the committee had examined the bill entitled "An act to amend an act entitled 'An act relative to expenses incurred in enforcing the laws and preserving order in the counties of Delaware and Ulster,' passed April 14th, 1845 ;" and the bill entitled "An act to equalize taxation," and found the same severally correctly engrossed.

*Ordered*, That the said bills do have their third reading.

Mr. Garretson, from the committee on charitable and religious societies, to which was referred the bill entitled "An act relative to the Hudson Orphan and Relief Society," with the amendments of the Senate thereto, reported, that the committee had examined the said amendments, and recommend that the House do non-concur therein.

Mr. Speaker put the question whether the House would agree with the committee in their report, and it was determined in the affirmative.

*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have non-concurred in the said amendments.

Mr. Titus, from the committee on trade and manufactures, to which was referred the bill from the Senate, entitled "An act to prevent frauds in inspection in the county of Kings," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

On motion of Mr. Titus,

*Ordered*, That the said bill do have its third reading.

Mr. Ross, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to incorporate the village of Canton," with the amendments of the Senate thereto, reported, that the committee had examined the said amendments, and recommend that the House do concur therein.

*Ordered*, That the said report and bill be laid on the table.

By unanimous consent, on motion of Mr. Tibbits,

*Resolved*, That the bill from the Senate, entitled "An act for the construction of a turnpike road from the village of Greenville to the village of Pottershollow," be taken from the general orders, and ordered to a third reading.

Mr. T. R. Lee moved to suspend the special order, consisting of the "General orders of the day," till half past three o'clock this afternoon.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. T. R. Lee, and it was determined in the negative.

The House then resolved itself into a committee of the whole, on the several bills from the Senate, entitled as follows, to wit :

"An act providing for the distribution of copies of the general index of the documents and laws of the State ;"

"An act for the relief of Samuel S. Riddle, Constant Cook, John Magee and Horatio R. Riddle ;"

"An act for the relief of William M'Lachlin ;"

"An act for the relief of John W. Wyckoff ;"

"An act for the final settlement of the accounts of John R. Brodhead, agent for procuring colonial documents ;"

"An act for the relief of John H. Boyd ;" and

"An act for the relief of Thomas J. Gilbert :"

And after some time spent thereon, Mr. Speaker resumed the chair, and Mr. J. Young, from the said committee, reported, that the committee had gone through the bill entitled "An act providing for the distribution of copies of the general index of the documents and laws of the State," made sundry amendments thereto, amended the title by adding the words "and the census of the United States," and agreed to the same; which report was agreed to by the house, and the amendments ordered to be engrossed, and the bill to have its third reading.

Mr. J. Young, from the same committee, reported, that the committee had gone through the bill entitled "An act for the relief of Samuel S. Riddle, Constant Cook, John Magee and Horatio R. Riddle," and agreed to the same without amendment; which report was agreed to by the house, and the bill ordered to a third reading.

Mr. J. Young, from the same committee, reported, that the committee had gone through the bill entitled "An act for the relief of William M'Lachlin," made an amendment thereto, and agreed to the same; which he was directed to report to the house.

The said amendment was read, in the words following, to wit:

After the word "lock," in the fifth line of the first section of the said bill, insert "and not sold by said M'Lachlin."

Mr. Speaker put the question whether the House would agree to the said amendment, and it was determined in the negative.

|   |        |     |   |
|---|--------|-----|---|
| { | AYES   | 43  | } |
| { | NAYS   | 50. | } |
| { | ABSENT | 35  | } |

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bagg        | Mr. Hazelton     | Mr. Salisbury       |
| Mr. Bailey      | Mr. Hine         | Mr. Searing         |
| Mr. Brower      | Mr. Jones        | Mr. Skelton         |
| Mr. L. H. Brown | Mr. Kinne        | Mr. A. C. Smith     |
| Mr. A. H. Buell | Mr. Knapp        | Mr. W. Smith        |
| Mr. Burdick     | Mr. T. R. Lee    | Mr. R. L. Stevenson |
| Mr. Carpenter   | Mr. M'Donald     | Mr. Strobridge      |
| Mr. Chase       | Mr. Mather       | Mr. Tefft           |
| Mr. Collins     | Mr. C. B. Miller | Mr. Thayer          |
| Mr. Constant    | Mr. S. Miller    | Mr. Thompson        |
| Mr. Crain       | Mr. Pardee       | Mr. Titus           |
| Mr. Danforth    | Mr. Porter       | Mr. Wheeler         |
| Mr. Dickson     | Mr. Preston      | Mr. Whitney         |
| Mr. Gregory     | Mr. Russell      | Mr. Wynant          |
| Mr. Harden      |                  |                     |

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Those who voted in the negative are

|             |             |             |
|-------------|-------------|-------------|
| Mr. Bachman | Mr. Fonda   | Mr. Newkirk |
| Mr. Barber  | Mr. Frisbee | Mr. Oakley  |

|                 |                |                  |
|-----------------|----------------|------------------|
| Mr. Betts       | Mr. Garretson  | Mr. Raymond      |
| Mr. Bevins      | Mr. Gifford    | Mr. Rice         |
| Mr. Bloss       | Mr. G. Goold   | Mr. Rogers       |
| Mr. Boughton    | Mr. Hammond    | Mr. Ross         |
| Mr. Bowen       | Mr. Harris     | Mr. Sager        |
| Mr. J. Brooks   | Mr. Heermans   | Mr. Speaker      |
| Mr. S. A. Brown | Mr. Hervey     | Mr. Spring       |
| Mr. Cameron     | Mr. Horton     | Mr. J. Stevenson |
| Mr. Casner      | Mr. Litchfield | Mr. Sweeney      |
| Mr. Coe         | Mr. Long       | Mr. Tibbits      |
| Mr. Culver      | Mr. M'Carthy   | Mr. Tuthill      |
| Mr. De Puy      | Mr. M'Key      | Mr. Walrath      |
| Mr. Dewey       | Mr. M'Vean     | Mr. A. W. Young  |
| Mr. Fellows     | Mr. Mersereau  | Mr. J. Young     |
| Mr. Field       | Mr. Morrison   |                  |

50

And those who were absent are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Billings     | Mr. D. Gould   | Mr. Niven           |
| Mr. Blake        | Mr. Hall       | Mr. Pierce          |
| Mr. M. Brooks    | Mr. Hannum     | Mr. Sears           |
| Mr. T. Buel      | Mr. Howard     | Mr. Sherman         |
| Mr. Bunker       | Mr. Hunt       | Mr. Van Schoonhoven |
| Mr. Bush         | Mr. Huntington | Mr. Van Valkenburgh |
| Mr. Comstock     | Mr. Jarvis     | Mr. Wells           |
| Mr. C. F. Crosby | Mr. Johnson    | Mr. White           |
| Mr. E. Crosby    | Mr. D. Lee     | Mr. Wilcox          |
| Mr. Dayton       | Mr. Mann       | Mr. Worden          |
| Mr. Edwards      | Mr. Morris     | Mr. Wyckoff         |
| Mr. Fenn         | Mr. Moulton    |                     |

35

Mr. Speaker then put the question whether the House would agree with the committee of the whole in the remainder of their report on the said bill, and it determined in the affirmative.

*Ordered,* That the said bill do have its third reading.

Mr. J. Young, from the same committee, reported, that the committee had gone through the bill entitled "An act for the relief of John W. Wyckoff," and agreed to the same without amendment; which report was agreed to by the house, and the bill ordered to a third reading.

Mr. J. Young, from the same committee, reported, that the committee had gone through the bill entitled "An act for the final settlement of the accounts of John R. Brodhead, agent for procuring colonial documents," and agreed to the same without amendment; which report was agreed to by the house, and the bill ordered to a third reading.

Mr. J. Young, from the same committee, reported, that the committee had gone through the bill entitled "An act for the relief of John H. Boyd," and agreed to the same without amendment; which report was agreed to by the house, and the bill ordered to a third reading.

Mr. J. Young, from the same committee, reported, that the committee had gone through the bill entitled "An act for the relief of Thomas J.



Gilbert," and agreed to the same without amendment; which report was agreed to by the house, and the bill ordered to a third reading.

By unanimous consent,

Mr. Russell offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the committee on expenditures of the executive department be instructed to inquire whether any, and what sums if any, may be due to the State Geologists, Messrs. Emmons and Hall, for services rendered with the advice of the late Executive, for which they have not been allowed any compensation, and to report to the House as soon as practicable; and also what losses of specimens have occurred in consequence of their negligence.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

By unanimous consent,

Mr. Jones, from the committee on colleges, academies and common schools, to which was referred the bill entitled "An act to incorporate the Spencertown Academy," with the amendments of the Senate thereto, reported, that the committee had examined the said amendments, and recommend that the House concur therein.

The said amendments having been read,

Mr. Speaker put the question whether the House would concur with the Senate in their amendments to the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |     |
|---|--------|-----|
| { | AYES   | 100 |
|   | NAYS   | 00  |
| } | ABSENT | 28  |

Those who voted in the affirmative are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Bachman     | Mr. D. Gould   | Mr. Pierce          |
| Mr. Bagg        | Mr. G. Goold   | Mr. Porter          |
| Mr. Bailey      | Mr. Gregory    | Mr. Preston         |
| Mr. Barber      | Mr. Hammond    | Mr. Raymond         |
| Mr. Betts       | Mr. Hannum     | Mr. Rice            |
| Mr. Bevins      | Mr. Harden     | Mr. Rogers          |
| Mr. Bloss       | Mr. Harris     | Mr. Ross            |
| Mr. Boughton    | Mr. Hazelton   | Mr. Russell         |
| Mr. Bowen       | Mr. Heermans   | Mr. Sager           |
| Mr. J. Brooks   | Mr. Hervey     | Mr. Salisbury       |
| Mr. Brower      | Mr. Hine       | Mr. Sears           |
| Mr. L. H. Brown | Mr. Horton     | Mr. Skelton         |
| Mr. S. A. Brown | Mr. Howard     | Mr. A. C. Smith     |
| Mr. A. H. Buell | Mr. Huntington | Mr. W. Smith        |
| Mr. Bunker      | Mr. Johnson    | Mr. Speaker         |
| Mr. Burdick     | Mr. Jones      | Mr. Spring          |
| Mr. Cameron     | Mr. Kinne      | Mr. J. Stevenson    |
| Mr. Carpenter   | Mr. Knapp      | Mr. R. L. Stevenson |

|               |                  |                     |
|---------------|------------------|---------------------|
| Mr. Casner    | Mr. T. R. Lee    | Mr. Strobbridge     |
| Mr. Chase     | Mr. Long         | Mr. Sweeney         |
| Mr. Coe       | Mr. M'Donald     | Mr. Tefft           |
| Mr. Collins   | Mr. M'Key        | Mr. Thayer          |
| Mr. Comstock  | Mr. M'Vean       | Mr. Thompson        |
| Mr. Constant  | Mr. Mather       | Mr. Tibbits         |
| Mr. Culver    | Mr. Mersereau    | Mr. Tutbill         |
| Mr. Danforth  | Mr. C. B. Miller | Mr. Van Valkenburgh |
| Mr. De Puy    | Mr. S. Miller    | Mr. Walrath         |
| Mr. Dickson   | Mr. Morris       | Mr. Wheeler         |
| Mr. Fellows   | Mr. Morrison     | Mr. White           |
| Mr. Field     | Mr. Newkirk      | Mr. Whitney         |
| Mr. Fonda     | Mr. Niven        | Mr. Wyckoff         |
| Mr. Frisbee   | Mr. Oakley       | Mr. Wynant          |
| Mr. Garretson | Mr. Pardee       | Mr. A. W. Young     |
| Mr. Gifford   |                  |                     |

100

And those who were absent are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Billings     | Mr. Edwards    | Mr. Moulton         |
| Mr. Blake        | Mr. Fenn       | Mr. Searing         |
| Mr. M. Brooks    | Mr. Hall       | Mr. Sherman         |
| Mr. T. Buel      | Mr. Hunt       | Mr. Titus           |
| Mr. Bush         | Mr. Jarvis     | Mr. Van Schoonhoven |
| Mr. Crain        | Mr. D. Lee     | Mr. Wells           |
| Mr. C. F. Crosby | Mr. Litchfield | Mr. Wilcox          |
| Mr. E. Crosby    | Mr. M'Carthy   | Mr. Worden          |
| Mr. Dayton       | Mr. Mann       | Mr. J. Young        |
| Mr. Dewey        |                |                     |

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*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred with them in the said amendments, and amended the bill accordingly.

By unanimous consent,

Mr. T. R. Lee offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That a committee be appointed by the Chair, to wait upon the widow of the late Gen. Alexander Hamilton, and invite her to take a seat within the bar on her visit to this house.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was unanimously determined in the affirmative.

The Chair appointed Mr. Sweeney and Mr. T. R. Lee to be the said committee.

By unanimous consent,

Mr. Jones, from the committee on colleges, academies and common schools, to which was referred the bill entitled "An act to incorporate the Fonda Academy," with the amendments of the Senate thereto, reported, that the committee had examined the said amendments, and recommend that the House concur therein.

The said amendments having been read,  
Mr. Speaker put the question whether the House would concur with the Senate in their amendments to the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |     |
|---|--------|-----|
| { | AYES   | 100 |
|   | NAYS   | 00  |
|   | ABSENT | 28  |

Those who voted in the affirmative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. Gifford      | Mr. Pierce          |
| Mr. Bagg        | Mr. D. Gould     | Mr. Porter          |
| Mr. Bailey      | Mr. G. Goold     | Mr. Preston         |
| Mr. Barber      | Mr. Gregory      | Mr. Raymond         |
| Mr. Betts       | Mr. Hammond      | Mr. Rice            |
| Mr. Bevens      | Mr. Hannum       | Mr. Rogers          |
| Mr. Billings    | Mr. Harden       | Mr. Ross            |
| Mr. Bloss       | Mr. Harris       | Mr. Russell         |
| Mr. Boughton    | Mr. Hazelton     | Mr. Sager           |
| Mr. Bowen       | Mr. Heermans     | Mr. Salisbury       |
| Mr. J. Brooks   | Mr. Hervey       | Mr. Sears           |
| Mr. Brower      | Mr. Hine         | Mr. Skelton         |
| Mr. L. H. Brown | Mr. Howard       | Mr. A. C. Smith     |
| Mr. S. A. Brown | Mr. Huntington   | Mr. W. Smith        |
| Mr. A. H. Buell | Mr. Johnson      | Mr. Speaker         |
| Mr. Burdick     | Mr. Jones        | Mr. Spring          |
| Mr. Cameron     | Mr. Kinne        | Mr. J. Stevenson    |
| Mr. Carpenter   | Mr. Knapp        | Mr. R. L. Stevenson |
| Mr. Casner      | Mr. T. R. Lee    | Mr. Sirobridge      |
| Mr. Chase       | Mr. Litchfield   | Mr. Sweeney         |
| Mr. Coc         | Mr. Long         | Mr. Tefft           |
| Mr. Collins     | Mr. M'Carthy     | Mr. Thayer          |
| Mr. Comstock    | Mr. M'Donald     | Mr. Thompson        |
| Mr. Constant    | Mr. M'Key        | Mr. Tibbits         |
| Mr. Crain       | Mr. M'Vean       | Mr. Van Schoonhoven |
| Mr. Culver      | Mr. Mather       | Mr. Van Valkenburgh |
| Mr. Danforth    | Mr. Mersereau    | Mr. Walrath         |
| Mr. De Puy      | Mr. C. B. Miller | Mr. Wheeler         |
| Mr. Dewey       | Mr. S. Miller    | Mr. White           |
| Mr. Fellows     | Mr. Newkirk      | Mr. Whitney         |
| Mr. Field       | Mr. Niven        | Mr. Wyckoff         |
| Mr. Fonda       | Mr. Oakley       | Mr. Wynant          |
| Mr. Frisbee     | Mr. Pardee       | Mr. A. W. Young     |
| Mr. Garretson   |                  |                     |

100

And those who were absent are

|               |          |             |
|---------------|----------|-------------|
| Mr. Blake     | Mr. Fenn | Mr. Moulton |
| Mr. M. Brooks | Mr. Hall | Mr. Searing |

|                  |              |              |
|------------------|--------------|--------------|
| Mr. T. Buel      | Mr. Horton   | Mr. Sherman  |
| Mr. Bunker       | Mr. Hunt     | Mr. Titus    |
| Mr. Bush         | Mr. Jarvis   | Mr. Tuthill  |
| Mr. C. F. Crosby | Mr. D. Lee   | Mr. Wells    |
| Mr. E. Crosby    | Mr. Mann     | Mr. Wilcox   |
| Mr. Dayton       | Mr. Morris   | Mr. Worden   |
| Mr. Dickson      | Mr. Morrison | Mr. J. Young |
| Mr. Edwards      |              |              |

28

*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred with them in the said amendments, and amended the bill accordingly.

Mr. Sweeney, from the committee appointed to wait upon the widow of the late Gen. Alexander Hamilton, and invite her to a seat within the bar on her visit to this house, reported, that the committee had tendered to Mrs. Hamilton the invitation of the House, and that Mrs. Hamilton was now present.

Whereupon,

*Ordered*, That Mrs. Hamilton do have a seat within the bar of this house.

Mr. Oakley, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to amend an act to reduce the number of town officers and town and county expenses, and to prevent abuses in auditing town and county accounts," and found the same correctly engrossed.

*Ordered*, That the said bill do have its third reading.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act to incorporate the village of Canton," with the accompanying amendments.

The said amendments having been read,

Mr. Russell moved that the House concur therein.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Russell, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 97 | } |
| { | NAYS   | 01 | } |
| { | ABSENT | 30 | } |

Those who voted in the affirmative are

|              |               |             |
|--------------|---------------|-------------|
| Mr. Bachman  | Mr. Garretson | Mr. Pardee  |
| Mr. Bagg     | Mr. Gifford   | Mr. Porter  |
| Mr. Bailey   | Mr. D. Gould  | Mr. Preston |
| Mr. Barber   | Mr. G. Goold  | Mr. Rice    |
| Mr. Betts    | Mr. Gregory   | Mr. Rogers  |
| Mr. Bevens   | Mr. Hammond   | Mr. Ross    |
| Mr. Billings | Mr. Hannum    | Mr. Russell |
| Mr. Bloss    | Mr. Harden    | Mr. Sager   |



|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bowen       | Mr. Harris       | Mr. Salisbury       |
| Mr. J. Brooks   | Mr. Hazelton     | Mr. Sears           |
| Mr. M. Brooks   | Mr. Heermans     | Mr. Sherman         |
| Mr. Brower      | Mr. Hervey       | Mr. Skelton         |
| Mr. L. H. Brown | Mr. Hine         | Mr. A. C. Smith     |
| Mr. S. A. Brown | Mr. Horton       | Mr. W. Smith        |
| Mr. A. H. Buell | Mr. Howard       | Mr. Speaker         |
| Mr. Burdick     | Mr. Huntington   | Mr. Spring          |
| Mr. Carpenter   | Mr. Johnson      | Mr. J. Stevenson    |
| Mr. Casner      | Mr. Jones        | Mr. R. L. Stevenson |
| Mr. Chase       | Mr. Kinne        | Mr. Strobbridge     |
| Mr. Coe         | Mr. Knapp        | Mr. Sweeney         |
| Mr. Collins     | Mr. Litchfield   | Mr. Thayer          |
| Mr. Comstock    | Mr. Long         | Mr. Thompson        |
| Mr. Constant    | Mr. M'Carthy     | Mr. Tibbits         |
| Mr. Crain       | Mr. M'Donald     | Mr. Tutbill         |
| Mr. Culver      | Mr. M'Key        | Mr. Van Schoonhoven |
| Mr. Danforth    | Mr. M'Vean       | Mr. Van Valkenburgh |
| Mr. De Puy      | Mr. Mather       | Mr. Walrath         |
| Mr. Dewey       | Mr. Mersereau    | Mr. Wheeler         |
| Mr. Dickson     | Mr. C. B. Miller | Mr. White           |
| Mr. Fellows     | Mr. S. Miller    | Mr. Wyckoff         |
| Mr. Field       | Mr. Morrison     | Mr. Wynant          |
| Mr. Fonda       | Mr. Newkirk      | Mr. A. W. Young     |
| Mr. Frisbee     | Mr. Oakley       |                     |

97

For the negative,

Mr. Raymond

1

And those who were absent are

|                  |               |              |
|------------------|---------------|--------------|
| Mr. Blake        | Mr. Fenn      | Mr. Pierce   |
| Mr. Boughton     | Mr. Hall      | Mr. Searing  |
| Mr. T. Buel      | Mr. Hunt      | Mr. Tefft    |
| Mr. Bunker       | Mr. Jarvis    | Mr. Titus    |
| Mr. Bush         | Mr. D. Lee    | Mr. Wells    |
| Mr. Cameron      | Mr. T. R. Lee | Mr. Whitney  |
| Mr. C. F. Crosby | Mr. Mann      | Mr. Wilcox   |
| Mr. E. Crosby    | Mr. Morris    | Mr. Worden   |
| Mr. Dayton       | Mr. Moulton   | Mr. J. Young |
| Mr. Edwards      | Mr. Niven     |              |

29

*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred with them in the said amendments, and amended the bill accordingly.

By unanimous consent, on motion of Mr. Van Valkenburgh,

*Resolved*, That the bill entitled "An act to authorise Elam Bridges and Auren Daboll to sell real estate," be taken from the committee of the whole, and ordered to a third reading.

By unanimous consent,

Mr. Coe, from the committee on canals, to which was referred the petition of the common council of the city of Albany, relative to a bridge across the canal at Water-street in said city, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Coe accordingly brought in the said bill, entitled "An act in relation to the canal bridge in Water-street in the city of Albany;" which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. Harris,

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Jones moved that the House pass over the special order, consisting of the "General orders of the day."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Jones, and it was determined in the affirmative.

The engrossed bill entitled "An act to amend an act entitled 'An act relative to the expenses incurred in enforcing the laws and preserving order in the counties of Delaware and Ulster,' passed April 14, 1845," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.

*Ordered,* That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to provide for the appointment of an additional number of commissioners of deeds in and for the city and county of New York," was read the third time.

*Resolved,* That the bill do pass.

The engrossed bill entitled "An act to amend the act entitled 'An act regulating highways and bridges in the counties of Suffolk, Queens and Kings,' passed February 23d, 1830," was read the third time.

*Resolved,* That the bill do pass.

*Ordered,* That the Clerk deliver the said bills to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to amend an act entitled 'An act to aid the Albany Medical College, the medical institution of Geneva College, and the medical department of the New-York University,' passed May 6th, 1844," was read the third time.

Debates were had thereon; when

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit:

|   |        |    |
|---|--------|----|
| { | AYES   | 87 |
| { | NAYS   | 08 |
| { | ABSENT | 33 |

Those who voted in the affirmative are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Bachman     | Mr. G. Goold   | Mr. Preston         |
| Mr. Bagg        | Mr. Hammond    | Mr. Raymond         |
| Mr. Bailey      | Mr. Hannum     | Mr. Rogers          |
| Mr. Barber      | Mr. Harden     | Mr. Ross            |
| Mr. Betts       | Mr. Harris     | Mr. Russell         |
| Mr. Bevens      | Mr. Hazelton   | Mr. Sager           |
| Mr. Bloss       | Mr. Heermans   | Mr. Salisbury       |
| Mr. Bowen       | Mr. Hervey     | Mr. Sears           |
| Mr. M. Brooks   | Mr. Hine       | Mr. Sherman         |
| Mr. Brower      | Mr. Howard     | Mr. Skelton         |
| Mr. L. H. Brown | Mr. Huntington | Mr. A. C. Smith     |
| Mr. S. A. Brown | Mr. Johnson    | Mr. W. Smith        |
| Mr. Bunker      | Mr. Kinne      | Mr. Spring          |
| Mr. Carpenter   | Mr. T. R. Lee  | Mr. J. Stevenson    |
| Mr. Casner      | Mr. Litchfield | Mr. R. L. Stevenson |
| Mr. Coe         | Mr. Long       | Mr. Strobridge      |
| Mr. Collins     | Mr. M'Carthy   | Mr. Sweeney         |
| Mr. Comstock    | Mr. M'Donald   | Mr. Tefft           |
| Mr. Constant    | Mr. M'Key      | Mr. Thayer          |
| Mr. Crain       | Mr. M'Vean     | Mr. Tuthill         |
| Mr. Culver      | Mr. Mather     | Mr. Van Schoonhoven |
| Mr. Danforth    | Mr. Mersereau  | Mr. Van Valkenburgh |
| Mr. De Puy      | Mr. S. Miller  | Mr. Walrath         |
| Mr. Dewey       | Mr. Morris     | Mr. White           |
| Mr. Dickson     | Mr. Morrison   | Mr. Whitney         |
| Mr. Fellows     | Mr. Newkirk    | Mr. Wyckoff         |
| Mr. Field       | Mr. Oakley     | Mr. Wynant          |
| Mr. Fonda       | Mr. Pierce     | Mr. A. W. Young     |
| Mr. Frisbee     | Mr. Porter     | Mr. J. Young        |

87

Those who voted in the negative are

|              |                  |             |
|--------------|------------------|-------------|
| Mr. Billings | Mr. C. F. Crosby | Mr. Niven   |
| Mr. Boughton | Mr. Garretson    | Mr. Wheeler |
| Mr. Chase    | Mr. Gifford      |             |

8

And those who were absent are

|                 |                  |              |
|-----------------|------------------|--------------|
| Mr. Blake       | Mr. D. Gould     | Mr. Moulton  |
| Mr. J. Brooks   | Mr. Gregory      | Mr. Pardee   |
| Mr. A. H. Buell | Mr. Hall         | Mr. Rice     |
| Mr. T. Buel     | Mr. Horton       | Mr. Searing  |
| Mr. Burdick     | Mr. Hunt         | Mr. Speaker  |
| Mr. Bush        | Mr. Jarvis       | Mr. Thompson |
| Mr. Cameron     | Mr. Jones        | Mr. Tibbits  |
| Mr. E. Crosby   | Mr. Knapp        | Mr. Titus    |
| Mr. Dayton      | Mr. D. Lee       | Mr. Wells    |
| Mr. Edwards     | Mr. Mann         | Mr. Wilcox   |
| Mr. Fenn        | Mr. C. B. Miller | Mr. Worden   |

33

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

By unanimous consent, on motion of Mr. Wynant,

*Resolved*, That the bill entitled "An act relative to insane persons in the county of Kings," be taken from the committee of the whole, and ordered to a third reading.

On motion of Mr. Van Valkenburgh,

The House proceeded to the consideration of the motion made on a preceding day, to reconsider the vote on the question of the final passage of the bill entitled "An act relative to the New-York and New-haven Railroad Company."

Mr. Speaker put the question whether the House would agree to the said motion, and it was determined in the negative; less than two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit:

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 79 | } |
| { | NAYS   | 17 | } |
| { | ABSENT | 32 | } |

Those who voted in the affirmative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Barber       | Mr. Hannum     | Mr. Ross            |
| Mr. Bevens       | Mr. Harden     | Mr. Russell         |
| Mr. Billings     | Mr. Harris     | Mr. Salisbury       |
| Mr. Bloss        | Mr. Heermans   | Mr. Sears           |
| Mr. Bowen        | Mr. Hine       | Mr. Skelton         |
| Mr. L. H. Brown  | Mr. Howard     | Mr. A. C. Smith     |
| Mr. S. A. Brown  | Mr. Huntington | Mr. W. Smith        |
| Mr. Cameron      | Mr. Johnson    | Mr. Speaker         |
| Mr. Carpenter    | Mr. Kinne      | Mr. Spring          |
| Mr. Casner       | Mr. T. R. Lee  | Mr. J. Stevenson    |
| Mr. Chase        | Mr. Litchfield | Mr. R. L. Stevenson |
| Mr. Coe          | Mr. Jong       | Mr. Strobbridge     |
| Mr. Collins      | Mr. M'Carthy   | Mr. Sweeney         |
| Mr. Comstock     | Mr. M'Donald   | Mr. Tefft           |
| Mr. Constant     | Mr. M'Key      | Mr. Thayer          |
| Mr. C. F. Crosby | Mr. M'Vean     | Mr. Thompson        |
| Mr. Culver       | Mr. Mather     | Mr. Tuthill         |
| Mr. Danforth     | Mr. Mersereau  | Mr. Van Schoonhoven |
| Mr. De Puy       | Mr. S. Miller  | Mr. Van Valkenburgh |
| Mr. Dewey        | Mr. Morrison   | Mr. Walrath         |
| Mr. Fellows      | Mr. Oakley     | Mr. Wheeler         |
| Mr. Field        | Mr. Pierce     | Mr. White           |
| Mr. Fonda        | Mr. Porter     | Mr. Wilcox          |
| Mr. Frisbee      | Mr. Raymond    | Mr. Wyckoff         |
| Mr. Gifford      | Mr. Rice       | Mr. Wynant          |
| Mr. D. Gould     | Mr. Rogers     | Mr. A. W. Young     |
| Mr. G. Gould     |                |                     |



## Those who voted in the negative are

|              |             |             |
|--------------|-------------|-------------|
| Mr. Bachman  | Mr. Burdick | Mr. Pardee  |
| Mr. Bagg     | Mr. Crain   | Mr. Preston |
| Mr. Bailey   | Mr. Dickson | Mr. Sager   |
| Mr. Betts    | Mr. Hervey  | Mr. Tibbits |
| Mr. Boughton | Mr. Knapp   | Mr. Whitney |
| Mr. Bunker   | Mr. Newkirk |             |

17

## And those who were absent are

|                 |               |                  |
|-----------------|---------------|------------------|
| Mr. Blake       | Mr. Garretson | Mr. C. B. Miller |
| Mr. J. Brooks   | Mr. Gregory   | Mr. Morris       |
| Mr. M. Brooks   | Mr. Hall      | Mr. Moulton      |
| Mr. Brower      | Mr. Hammond   | Mr. Niven        |
| Mr. A. H. Buell | Mr. Hazelton  | Mr. Searing      |
| Mr. T. Buel     | Mr. Horton    | Mr. Sherman      |
| Mr. Bush        | Mr. Hunt      | Mr. Titus        |
| Mr. E. Crosby   | Mr. Jarvis    | Mr. Wells        |
| Mr. Dayton      | Mr. Jones     | Mr. Worden       |
| Mr. Edwards     | Mr. D. Lee    | Mr. J. Young     |
| Mr. Fenn        | Mr. Mann      |                  |

32

The engrossed bill entitled "An act to amend an act entitled 'An act to reduce the number of town officers and town and county expenses, and to prevent abuses in auditing town and county accounts,' passed May 10th, 1845," was read the third time.

By unanimous consent,

Mr. Harris moved to amend the said bill as follows, to wit :

Add a new section, in the words following, to wit :

"Nothing in the act hereby amended shall be so construed as to authorise any justice of the peace other than the police justice, or any alderman of the city of Albany, to take or receive any fees, fines or forfeitures whatever from the chamberlain of said city of Albany, or from the treasurer of the county of Albany, or any other person or persons whomsoever, for any criminal business done or performed in the city of Albany, unless the same shall be done or performed at the request or in aid of the said police justice as heretofore provided by law."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Harris, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to the final passage of the said bill, as amended, and it was determined in the affirmative.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act relative to the landing of alien passengers in the city of New-York," was read the third time.

Debates were had thereon ; when

Mr. McCarthy moved that the question on the final passage of the said bill be laid upon the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. M'Carthy, and it was determined in the affirmative.

|   |        |    |
|---|--------|----|
| { | AYES   | 55 |
|   | NAYS   | 36 |
|   | ABSENT | 37 |

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. Fonda        | Mr. Pardee          |
| Mr. Bagg        | Mr. Frisbee      | Mr. Pierce          |
| Mr. Bailey      | Mr. D. Gould     | Mr. Preston         |
| Mr. Beits       | Mr. Gregory      | Mr. Rice            |
| Mr. Bevens      | Mr. Hannum       | Mr. Russell         |
| Mr. Billings    | Mr. Hazelton     | Mr. Sager           |
| Mr. Boughton    | Mr. Heermans     | Mr. Salisbury       |
| Mr. J. Brooks   | Mr. Hervey       | Mr. Sears           |
| Mr. Brower      | Mr. Hine         | Mr. Sherman         |
| Mr. L. H. Brown | Mr. Kinne        | Mr. A. C. Smith     |
| Mr. S. A. Brown | Mr. Knapp        | Mr. W. Smith        |
| Mr. A. H. Buell | Mr. M'Carthy     | Mr. Speaker         |
| Mr. Bunker      | Mr. M'Donald     | Mr. R. L. Stevenson |
| Mr. Burdick     | Mr. M'Key        | Mr. Tefft           |
| Mr. Carpenter   | Mr. C. B. Miller | Mr. Tuthill         |
| Mr. Chase       | Mr. S. Miller    | Mr. Van Valkenburgh |
| Mr. Crain       | Mr. Morris       | Mr. Walrath         |
| Mr. Dickson     | Mr. Niven        | Mr. Whitney         |
| Mr. Fellows     |                  |                     |

55

Those who voted in the negative are

|                  |                |                  |
|------------------|----------------|------------------|
| Mr. Barber       | Mr. Field      | Mr. Ross         |
| Mr. Bloss        | Mr. Gifford    | Mr. Spring       |
| Mr. Bowen        | Mr. G. Goold   | Mr. J. Stevenson |
| Mr. Casner       | Mr. Hammond    | Mr. Strobbridge  |
| Mr. Coe          | Mr. Litchfield | Mr. Sweeney      |
| Mr. Collins      | Mr. Long       | Mr. Thayer       |
| Mr. Constant     | Mr. M'Vean     | Mr. Thompson     |
| Mr. C. F. Crosby | Mr. Mather     | Mr. Tibbits      |
| Mr. Culver       | Mr. Mersereau  | Mr. Wheeler      |
| Mr. Danforth     | Mr. Morrison   | Mr. White        |
| Mr. De Puy       | Mr. Oakley     | Mr. Wynant       |
| Mr. Dewey        | Mr. Raymond    | Mr. A. W. Young  |

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And those who were absent are

|               |            |             |
|---------------|------------|-------------|
| Mr. Blake     | Mr. Harris | Mr. Newkirk |
| Mr. M. Brooks | Mr. Horton | Mr. Porter  |

|               |                |                     |
|---------------|----------------|---------------------|
| Mr. T. Buel   | Mr. Howard     | Mr. Rogers          |
| Mr. Bush      | Mr. Hunt       | Mr. Searing         |
| Mr. Cameron   | Mr. Huntington | Mr. Skelton         |
| Mr. Comstock  | Mr. Jarvis     | Mr. Titus           |
| Mr. E. Crosby | Mr. Johnson    | Mr. Van Schoonhoven |
| Mr. Dayton    | Mr. Jones      | Mr. Wells           |
| Mr. Edwards   | Mr. D. Lee     | Mr. Wilcox          |
| Mr. Fenn      | Mr. T. R. Lee  | Mr. Worden          |
| Mr. Garretson | Mr. Mann       | Mr. Wyckoff         |
| Mr. Hall      | Mr. Moulton    | Mr. J. Young        |
| Mr. Harden    |                |                     |

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Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act relative to insane persons in the county of Kings," and the bill entitled "An act in relation to a bridge across the canal in Water-street in the city of Albany," and found the same severally correctly engrossed.

*Ordered,* That the said bills do have their third reading.

The engrossed bill entitled "An act to amend the charter of the Jefferson Insurance Company in the city of New-York," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 87 | } |
| { | NAYS   | 01 | } |
| { | ABSENT | 40 | } |

Those who voted in the affirmative are

|                 |               |                  |
|-----------------|---------------|------------------|
| Mr. Bachman     | Mr. Garretson | Mr. Oakley       |
| Mr. Bagg        | Mr. Gifford   | Mr. Pardee       |
| Mr. Bailey      | Mr. D. Gould  | Mr. Pierce       |
| Mr. Barber      | Mr. G. Goold  | Mr. Porter       |
| Mr. Revens      | Mr. Hammond   | Mr. Preston      |
| Mr. Billings    | Mr. Hannum    | Mr. Raymond      |
| Mr. Bloss       | Mr. Harden    | Mr. Rice         |
| Mr. Boughton    | Mr. Harris    | Mr. Ross         |
| Mr. Bowen       | Mr. Hazelton  | Mr. Russell      |
| Mr. J. Brooks   | Mr. Heermans  | Mr. Salisbury    |
| Mr. M. Brooks   | Mr. Hervey    | Mr. Sears        |
| Mr. L. H. Brown | Mr. Hine      | Mr. Sherman      |
| Mr. S. A. Brown | Mr. Horton    | Mr. A. C. Smith  |
| Mr. Bunker      | Mr. Howard    | Mr. W. Smith     |
| Mr. Burdick     | Mr. Jones     | Mr. Spring       |
| Mr. Chase       | Mr. Kinne     | Mr. J. Stevenson |
| Mr. Collins     | Mr. Knapp     | Mr. Strobbridge  |
| Mr. Comstock    | Mr. T. R. Lee | Mr. Sweeney      |

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Constant     | Mr. Litchfield   | Mr. Tefft           |
| Mr. C. F. Crosby | Mr. Long         | Mr. Thompson        |
| Mr. Culver       | Mr. M'Key        | Mr. Tibbits         |
| Mr. Danforth     | Mr. M'Vean       | Mr. Tutbill         |
| Mr. De Puy       | Mr. Mather       | Mr. Van Valkenburgh |
| Mr. Dewey        | Mr. Mersereau    | Mr. Walrath         |
| Mr. Dickson      | Mr. C. B. Miller | Mr. Wheeler         |
| Mr. Fellows      | Mr. S. Miller    | Mr. White           |
| Mr. Field        | Mr. Morris       | Mr. Wyckoff         |
| Mr. Fonda        | Mr. Morrison     | Mr. Wynant          |
| Mr. Frisbee      | Mr. Niven        | Mr. A. W. Young 87  |

For the negative,

Mr. Carpenter

1

And those who were absent are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Betts       | Mr. Gregory    | Mr. Sager           |
| Mr. Blake       | Mr. Hall       | Mr. Searing         |
| Mr. Brower      | Mr. Hunt       | Mr. Skelton         |
| Mr. A. H. Buell | Mr. Huntington | Mr. Speaker         |
| Mr. T. Buel     | Mr. Jarvis     | Mr. R. L. Stevenson |
| Mr. Bush        | Mr. Johnson    | Mr. Thayer          |
| Mr. Cameron     | Mr. D. Lee     | Mr. Titus           |
| Mr. Casner      | Mr. M'Carthy   | Mr. Van Schoonhoven |
| Mr. Coe         | Mr. M'Donald   | Mr. Wells           |
| Mr. Crain       | Mr. Mann       | Mr. Whitney         |
| Mr. E. Crosby   | Mr. Moulton    | Mr. Wilcox          |
| Mr. Dayton      | Mr. Newkirk    | Mr. Worden          |
| Mr. Edwards     | Mr. Rogers     | Mr. J. Young        |
| Mr. Fenn        |                | 40                  |

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to authorise Elam Bridges and Auren Daboll to sell real estate," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the said bill be referred to the committee on engrossed bills.

Mr. Oakley, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act relative to courts in the city and county of Albany, having criminal jurisdiction," and found the same correctly engrossed.

*Ordered*, That the said bill do have its third reading.

The hour of half past one o'clock having arrived,

The House took a recess until half past three o'clock this afternoon.



## HALF PAST THREE O'CLOCK P. M.

The House again met.

The engrossed bill entitled "An act for the protection of life in cases of disasters in steamboats and other water crafts," was read the third time.

Mr. C. F. Crosby moved that the question on the final passage of the said bill be laid upon the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. C. F. Crosby, and it was determined in the negative.

Mr. Wheeler moved that the said bill be referred to a select committee, with instructions to report the same complete.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Wheeler, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to amend an act entitled 'An act more effectually to provide for common school education in the city and county of New-York,' passed May 7th, 1844," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. Oakley, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to authorise Elam Bridges and Auren Daboll to sell real estate," and found the same correctly engrossed.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act to incorporate the Williamsburgh Lyceum," with the accompanying amendments.

The said amendments having been read,

Mr. Wyckoff moved that the House concur therein.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Wyckoff, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 92 | } |
| { | NAYS   | 00 | } |
| { | ABSENT | 36 | } |

Those who voted in the affirmative are

Mr. Bachman  
Mr. Bagg

Mr. G. Goold  
Mr. Gregory

Mr. Preston  
Mr. Raymond

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Bailey       | Mr. Hammond    | Mr. Rogers          |
| Mr. Barber       | Mr. Hannum     | Mr. Ross            |
| Mr. Betts        | Mr. Harden     | Mr. Russell         |
| Mr. Billings     | Mr. Harris     | Mr. Sager           |
| Mr. Bloss        | Mr. Hazelton   | Mr. Salisbury       |
| Mr. Boughton     | Mr. Heermans   | Mr. Searing         |
| Mr. Boweh        | Mr. Hervey     | Mr. Sears           |
| Mr. J. Brooks    | Mr. Hine       | Mr. A. C. Smith     |
| Mr. Brower       | Mr. Horton     | Mr. W. Smith        |
| Mr. L. H. Brown  | Mr. Huntington | Mr. Speaker         |
| Mr. S. A. Brown  | Mr. Jarvis     | Mr. Spring          |
| Mr. A. H. Buell  | Mr. Johnson    | Mr. J. Stevenson    |
| Mr. Bunker       | Mr. Kinne      | Mr. R. L. Stevenson |
| Mr. Burdick      | Mr. Knapp      | Mr. Strobbridge     |
| Mr. Carpenter    | Mr. D. Lee     | Mr. Sweeney         |
| Mr. Chase        | Mr. T. R. Lee  | Mr. Tefft           |
| Mr. Coe          | Mr. Litchfield | Mr. Thayer          |
| Mr. Collins      | Mr. M'Carthy   | Mr. Thompson        |
| Mr. Constant     | Mr. M'Donald   | Mr. Tibbits         |
| Mr. Crain        | Mr. M'Key      | Mr. Titus           |
| Mr. C. F. Crosby | Mr. M'Vean     | Mr. Van Schoonhoven |
| Mr. Culver       | Mr. Mather     | Mr. Walrath         |
| Mr. Danforth     | Mr. Mersereau  | Mr. Wheeler         |
| Mr. Dewey        | Mr. S. Miller  | Mr. White           |
| Mr. Dickson      | Mr. Morris     | Mr. Wyckoff         |
| Mr. Edwards      | Mr. Niven      | Mr. Wynant          |
| Mr. Fellows      | Mr. Oakley     | Mr. A. W. Young     |
| Mr. Gifford      | Mr. Pardee     | Mr. J. Young        |
| Mr. D. Gould     | Mr. Porter     |                     |

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And those who were absent are

|               |                  |                     |
|---------------|------------------|---------------------|
| Mr. Bevens    | Mr. Field        | Mr. Moulton         |
| Mr. Blake     | Mr. Fonda        | Mr. Newkirk         |
| Mr. M. Brooks | Mr. Frisbee      | Mr. Pierce          |
| Mr. T. Buel   | Mr. Garretson    | Mr. Rice            |
| Mr. Bush      | Mr. Hall         | Mr. Sherman         |
| Mr. Cameron   | Mr. Howard       | Mr. Skelton         |
| Mr. Casner    | Mr. Hunt         | Mr. Tuthill         |
| Mr. Comstock  | Mr. Jones        | Mr. Van Valkenburgh |
| Mr. E. Crosby | Mr. Long         | Mr. Wells           |
| Mr. Dayton    | Mr. Mann         | Mr. Whitney         |
| Mr. De Puy    | Mr. C. B. Miller | Mr. Wilcox          |
| Mr. Fenn      | Mr. Morrison     | Mr. Worden          |

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*Ordered,* That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred in the said amendments, and amended the bill accordingly.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bill therewith delivered, entitled

"An act to incorporate the Hambach Brothers in the city of New-York."

The said bill was read the first time, and by unanimous consent was also read a second time, and referred to the committee on charitable and religious societies.

Mr. L. H. Brown, from the committee on colleges, academies and common schools, to which was referred the petition for the incorporation of the Wilson Academy, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. L. H. Brown accordingly brought in the said bill, entitled "An act to incorporate the Wilson Academy;" which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. Sweeney,

*Ordered*, That the said bill be engrossed for a third reading.

The engrossed bill entitled "An act in relation to the courts in the county of Albany, having criminal jurisdiction," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act to amend an act entitled 'An act relative to the expenses incurred in enforcing the laws and preserving order in the counties of Delaware and Ulster,' passed April 14th, 1845," without amendment.

*Ordered*, That the Clerk deliver the said bill to the Governor.

The following bills were returned from the Senate, to wit :

"An act to condense and amend the several acts relating to the village of Geneseo ;"

"An act to incorporate the Spencertown Academy ;" and

"An act to incorporate the Fonda Academy."

*Ordered*, That the Clerk deliver the said bills to the Governor.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act for the relief of John E. Foley," with the accompanying amendments.

The said amendments having been read,

Mr. Mather moved that the House do non-concur therein, and that a committee of conference be appointed on the same.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Mather, and it was determined in the affirmative.

*Ordered*, That Mr. Mather, Mr. Tefft, Mr. Wheeler, Mr. Knapp and Mr. S. Miller be of the said committee on the part of this house.

*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have non-concurred in the said amendments, and do request the Senate to appoint a committee of conference on the same ; and in case of such appointment, that Mr. Mather, Mr. Tefft, Mr. Wheeler, Mr. Knapp and Mr. S. Miller are of the said committee on the part of the Assembly.

A message from the Senate, with the bills therein mentioned, was received and read, requesting the concurrence of the Assembly to the bill entitled "An act in relation to the estate of William D. Ross de-

ceased, late of Essex in the county of Essex in this State ;" and to the bill entitled "An act to incorporate the Laborers' Union Benevolent Association in the city of New-York."

The said bills were severally read the first time, and by unanimous consent were also read a second time, and the bill entitled "An act in relation to the estate of William D. Ross deceased, late of Essex in the county of Essex in this State," was referred to the committee on the judiciary ; and the bill entitled "An act to incorporate the Laborers' Union Benevolent Association in the city of New-York," was referred to the committee on charitable and religious societies.

The engrossed bill entitled "An act to equalize taxation," was read the third time.

Debates were had thereon ; when

Mr. Garretson called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put ?" and it was determined in the affirmative.

Whereupon,

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 50 | } |
| { | NAYS   | 38 | } |
| { | ABSENT | 40 | } |

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bagg        | Mr. Fellows      | Mr. Morris          |
| Mr. Barber      | Mr. Fonda        | Mr. Pierce          |
| Mr. Betts       | Mr. G. Goold     | Mr. Porter          |
| Mr. Bevns       | Mr. Hannum       | Mr. Raymond         |
| Mr. Boughton    | Mr. Harden       | Mr. Russell         |
| Mr. Bowen       | Mr. Harris       | Mr. Sager           |
| Mr. J. Brooks   | Mr. Hazelton     | Mr. Salisbury       |
| Mr. M. Brooks   | Mr. Heermans     | Mr. Searing         |
| Mr. S. A. Brown | Mr. Hervey       | Mr. Sears           |
| Mr. Burdick     | Mr. H. ne        | Mr. W. Smith        |
| Mr. Cameron     | Mr. Johnson      | Mr. Spring          |
| Mr. Carpenter   | Mr. Kinne        | Mr. R. L. Stevenson |
| Mr. Chase       | Mr. Knapp        | Mr. Sweeney         |
| Mr. Coe         | Mr. M'Carthy     | Mr. Tibbits         |
| Mr. Crain       | Mr. M'Donald     | Mr. Van Schoonhoven |
| Mr. Danforth    | Mr. M'Key        | Mr. Wynant          |
| Mr. Dewey       | Mr. C. B. Miller |                     |

50

Those who voted in the negative are



|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Bachman      | Mr. Huntington | Mr. Pardee          |
| Mr. Bailey       | Mr. Jarvis     | Mr. Preston         |
| Mr. Billings     | Mr. Jones      | Mr. Ross            |
| Mr. L. H. Brown  | Mr. T. R. Lee  | Mr. Strobridge      |
| Mr. Comstock     | Mr. Litchfield | Mr. Tefft           |
| Mr. Constant     | Mr. M'Vean     | Mr. Thayer          |
| Mr. C. F. Crosby | Mr. Mather     | Mr. Thompson        |
| Mr. Edwards      | Mr. Mersereau  | Mr. Titus           |
| Mr. Field        | Mr. S. Miller  | Mr. Van Valkenburgh |
| Mr. Garretson    | Mr. Morrison   | Mr. Walrath         |
| Mr. D. Gould     | Mr. Newkirk    | Mr. Wheeler         |
| Mr. Gregory      | Mr. Niven      | Mr. White           |
| Mr. Hammond      | Mr. Oakley     |                     |

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And those who were absent are

|                 |             |                  |
|-----------------|-------------|------------------|
| Mr. Blake       | Mr. Fenn    | Mr. Sherman      |
| Mr. Bloss       | Mr. Frisbee | Mr. Skelton      |
| Mr. Brower      | Mr. Gifford | Mr. A. C. Smith  |
| Mr. A. H. Buell | Mr. Hall    | Mr. Speaker      |
| Mr. T. Buel     | Mr. Horton  | Mr. J. Stevenson |
| Mr. Bunker      | Mr. Howard  | Mr. Tuthill      |
| Mr. Bush        | Mr. Hunt    | Mr. Wells        |
| Mr. Casner      | Mr. D. Lee  | Mr. Whitney      |
| Mr. Collins     | Mr. Long    | Mr. Wilcox       |
| Mr. E. Crosby   | Mr. Mann    | Mr. Worden       |
| Mr. Culver      | Mr. Moulton | Mr. Wyckoff      |
| Mr. Dayton      | Mr. Rice    | Mr. A. W. Young  |
| Mr. De Puy      | Mr. Rogers  | Mr. J. Young     |
| Mr. Dickson     |             |                  |

40

*Ordered,* That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act to authorise the trustees of the village of Williamsburgh to raise money by loan or tax, to pay certain debts, and to provide for the speedy liquidation and settlement of certain disputed matters and claims in said village," with the accompanying amendments.

The said amendments having been read,

Mr. Wyckoff moved that the House concur therein.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Wyckoff, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |
|---|--------|----|
| { | AYES   | 90 |
|   | NAYS   | 00 |
|   | ABSENT | 38 |

Those who voted in the affirmative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. Hall         | Mr. Niven           |
| Mr. Bagg        | Mr. Hammond      | Mr. Oakley          |
| Mr. Bailey      | Mr. Hannum       | Mr. Pardee          |
| Mr. Barber      | Mr. Harden       | Mr. Porter          |
| Mr. Betts       | Mr. Harris       | Mr. Preston         |
| Mr. Bevins      | Mr. Hazelton     | Mr. Raymond         |
| Mr. Bloss       | Mr. Heermans     | Mr. Ross            |
| Mr. Boughton    | Mr. Hervey       | Mr. Russell         |
| Mr. Bowen       | Mr. Horton       | Mr. Sager           |
| Mr. J. Brooks   | Mr. Howard       | Mr. Salisbury       |
| Mr. L. H. Brown | Mr. Huntington   | Mr. Searing         |
| Mr. S. A. Brown | Mr. Jarvis       | Mr. Sears           |
| Mr. A. H. Buell | Mr. Johnson      | Mr. A. C. Smith     |
| Mr. Burdick     | Mr. Jones        | Mr. W. Smith        |
| Mr. Carpenter   | Mr. Kinne        | Mr. Spring          |
| Mr. Chase       | Mr. Knapp        | Mr. R. L. Stevenson |
| Mr. Coe         | Mr. T. R. Lee    | Mr. Strobridge      |
| Mr. Comstock    | Mr. Litchfield   | Mr. Sweeney         |
| Mr. Constant    | Mr. Long         | Mr. Tefft           |
| Mr. Culver      | Mr. M'Carthy     | Mr. Thayer          |
| Mr. Danforth    | Mr. M'Donald     | Mr. Tibbits         |
| Mr. Dewey       | Mr. M'Key        | Mr. Titus           |
| Mr. Dickson     | Mr. M'Vean       | Mr. Tuthill         |
| Mr. Edwards     | Mr. Mather       | Mr. Van Schoonhoven |
| Mr. Fellows     | Mr. Mersereau    | Mr. Walrath         |
| Mr. Field       | Mr. C. B. Miller | Mr. Wheeler         |
| Mr. Fonda       | Mr. S. Miller    | Mr. White           |
| Mr. Garretson   | Mr. Morris       | Mr. Wilcox          |
| Mr. D. Gould    | Mr. Morrison     | Mr. Wynant          |
| Mr. G. Goold    | Mr. Newkirk      | Mr. A. W. Young 90  |

And those who were absent are

|                  |             |                     |
|------------------|-------------|---------------------|
| Mr. Billings     | Mr. Dayton  | Mr. Rogers          |
| Mr. Blake        | Mr. De Puy  | Mr. Sherman         |
| Mr. M. Brooks    | Mr. Fenn    | Mr. Skelton         |
| Mr. Brower       | Mr. Frisbee | Mr. Speaker         |
| Mr. T. Buel      | Mr. Gifford | Mr. J. Stevenson    |
| Mr. Bunker       | Mr. Gregory | Mr. Thompson        |
| Mr. Bush         | Mr. Hine    | Mr. Van Valkenburgh |
| Mr. Cameron      | Mr. Hunt    | Mr. Wells           |
| Mr. Casner       | Mr. D. Lee  | Mr. Whitney         |
| Mr. Collins      | Mr. Mann    | Mr. Worden          |
| Mr. Crain        | Mr. Moulton | Mr. Wyckoff         |
| Mr. C. F. Crosby | Mr. Pierce  | Mr. J. Young        |
| Mr. E. Crosby    | Mr. Rice    | 38                  |

*Ordered,* That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred with them in the said amendments, and amended the bill accordingly.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bill therewith delivered, entitled "An act declaratory of title fourth, chapter second, part third of the Revised Statutes, relating to courts held by justices of the peace, and the several acts modifying, enlarging, altering or amending said title."

The said bill was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

By unanimous consent,

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the bill from the Senate, entitled "An act in relation to the estate of William D. Ross deceased, late of Essex in the county of Essex in this State," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

On motion of Mr. T. R. Lee,

*Ordered*, That the said bill do have its third reading.

On motion of Mr. Van Schoonhoven,

The House proceeded to the consideration of the motion heretofore made, to reconsider the vote on the final passage of the bill entitled "An act for the relief of Patrick Fitzsimmons and James Brady."

Mr. Speaker put the question whether the House would agree to the said motion, and it was determined in the negative.

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 30 | } |
| { | NAYS   | 53 | } |
| { | ABSENT | 45 | } |

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Barber       | Mr. Danforth   | Mr. Litchfield      |
| Mr. Betts        | Mr. Dewey      | Mr. M'Donald        |
| Mr. Bevens       | Mr. Edwards    | Mr. Raymond         |
| Mr. Bloss        | Mr. Field      | Mr. Sager           |
| Mr. Boughton     | Mr. Gifford    | Mr. Skelton         |
| Mr. Bowen        | Mr. Hannum     | Mr. Sweeney         |
| Mr. S. A. Brown  | Mr. Harris     | Mr. Van Schoonhoven |
| Mr. Carpenter    | Mr. Heermans   | Mr. Van Valkenburgh |
| Mr. C. F. Crosby | Mr. Hervey     | Mr. Wyckoff         |
| Mr. Culver       | Mr. Huntington | Mr. A. W. Young 30  |

Those who voted in the negative are

|                 |               |                 |
|-----------------|---------------|-----------------|
| Mr. Bagg        | Mr. Jarvis    | Mr. Russell     |
| Mr. J. Brooks   | Mr. Johnson   | Mr. Salisbury   |
| Mr. L. H. Brown | Mr. Jones     | Mr. Searing     |
| Mr. Bunker      | Mr. Kinne     | Mr. Sherman     |
| Mr. Chase       | Mr. Knapp     | Mr. A. C. Smith |
| Mr. Cue         | Mr. T. R. Lee | Mr. W. Smith    |

|              |               |                     |
|--------------|---------------|---------------------|
| Mr. Constant | Mr. Long      | Mr. Spring          |
| Mr. Crain    | Mr. M'Vean    | Mr. R. L. Stevenson |
| Mr. Dickson  | Mr. Mather    | Mr. Strobbridge     |
| Mr. Fellows  | Mr. Mersereau | Mr. Tefft           |
| Mr. D. Gould | Mr. S. Miller | Mr. Thayer          |
| Mr. G. Goold | Mr. Morris    | Mr. Titus           |
| Mr. Gregory  | Mr. Newkirk   | Mr. Tuthill         |
| Mr. Hammond  | Mr. Niven     | Mr. White           |
| Mr. Harden   | Mr. Oakley    | Mr. Wilcox          |
| Mr. Hazelton | Mr. Pardee    | Mr. Wynant          |
| Mr. Hine     | Mr. Preston   | Mr. J. Young        |
| Mr. Horton   | Mr. Ross      |                     |

53

And those who were absent are

|                 |                  |                  |
|-----------------|------------------|------------------|
| Mr. Bachman     | Mr. Dayton       | Mr. Moulton      |
| Mr. Bailey      | Mr. De Puy       | Mr. Pierce       |
| Mr. Billings    | Mr. Fenn         | Mr. Porter       |
| Mr. Blake       | Mr. Fonda        | Mr. Rice         |
| Mr. M. Brooks   | Mr. Frisbee      | Mr. Rogers       |
| Mr. Brower      | Mr. Garretson    | Mr. Sears        |
| Mr. A. H. Buell | Mr. Hall         | Mr. Speaker      |
| Mr. T. Buell    | Mr. Howard       | Mr. J. Stevenson |
| Mr. Burdick     | Mr. Hunt         | Mr. Thompson     |
| Mr. Bush        | Mr. D. Lee       | Mr. Tibbits      |
| Mr. Cameron     | Mr. M'Carthy     | Mr. Walrath      |
| Mr. Casner      | Mr. M'Key        | Mr. Wells        |
| Mr. Collins     | Mr. Mann         | Mr. Wheeler      |
| Mr. Comstock    | Mr. C. B. Miller | Mr. Whitney      |
| Mr. E. Crosby   | Mr. Morrison     | Mr. Worden       |

45

The engrossed bill entitled "An act relative to insane persons in the county of Kings," was read the third time.

*Resolved,* That the bill do pass.

*Ordered,* That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act reducing the rate of interest of money," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 65 | } |
| { | NAYS   | 24 | } |
| { | ABSENT | 39 | } |

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|             |              |             |
|-------------|--------------|-------------|
| Mr. Bachman | Mr. G. Goold | Mr. Porter  |
| Mr. Bagg    | Mr. Gregory  | Mr. Preston |

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|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Barber      | Mr. Hannum       | Mr. Raymond         |
| Mr. Betts       | Mr. Harris       | Mr. Rice            |
| Mr. Bevens      | Mr. Hazelton     | Mr. Ross            |
| Mr. Billings    | Mr. Heermans     | Mr. Sager           |
| Mr. Bloss       | Mr. Hervey       | Mr. Salisbury       |
| Mr. Boughton    | Mr. Hine         | Mr. Searing         |
| Mr. Bowen       | Mr. Huntington   | Mr. Sears           |
| Mr. J. Brooks   | Mr. Jarvis       | Mr. Sherman         |
| Mr. L. H. Brown | Mr. Kinne        | Mr. A. C. Smith     |
| Mr. Bunker      | Mr. Knapp        | Mr. W. Smith        |
| Mr. Burdick     | Mr. D. Lee       | Mr. Spring          |
| Mr. Chase       | Mr. Long         | Mr. R. L. Stevenson |
| Mr. Coe         | Mr. M'Carthy     | Mr. Sweeney         |
| Mr. Culver      | Mr. M'Donald     | Mr. Thayer          |
| Mr. Danforth    | Mr. M'Key        | Mr. Tibbits         |
| Mr. Edwards     | Mr. Mersereau    | Mr. Tuthill         |
| Mr. Field       | Mr. C. B. Miller | Mr. Van Valkenburgh |
| Mr. Fonda       | Mr. Niven        | Mr. Wilcox          |
| Mr. Garretson   | Mr. Oakley       | Mr. A. W. Young     |
| Mr. Gifford     | Mr. Pardee       |                     |

65

Those who voted in the negative are

|                  |               |                 |
|------------------|---------------|-----------------|
| Mr. S. A. Brown  | Mr. D. Gould  | Mr. Skelton     |
| Mr. Carpenter    | Mr. Hammond   | Mr. Strobbridge |
| Mr. Comstock     | Mr. Harden    | Mr. Thompson    |
| Mr. Constant     | Mr. Jones     | Mr. Tins        |
| Mr. Crain        | Mr. T. R. Lee | Mr. Walrath     |
| Mr. C. F. Crosby | Mr. M'Vean    | Mr. White       |
| Mr. Dickson      | Mr. S. Miller | Mr. Wynant      |
| Mr. Fellows      | Mr. Russell   | Mr. J. Young    |

24

And those who were absent are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Bailey      | Mr. Dewey      | Mr. Moulton         |
| Mr. Blake       | Mr. Fenn       | Mr. Newkirk         |
| Mr. M. Brooks   | Mr. Frisbee    | Mr. Pierce          |
| Mr. Brower      | Mr. Hall       | Mr. Rogers          |
| Mr. A. H. Buell | Mr. Horton     | Mr. Speaker         |
| Mr. T. Buel     | Mr. Howard     | Mr. J. Stevenson    |
| Mr. Bush        | Mr. Hunt       | Mr. Tefft           |
| Mr. Cameron     | Mr. Johnson    | Mr. Van Schoonhoven |
| Mr. Casner      | Mr. Litchfield | Mr. Wells           |
| Mr. Collins     | Mr. Mann       | Mr. Wheeler         |
| Mr. E. Crosby   | Mr. Mather     | Mr. Whitney         |
| Mr. Dayton      | Mr. Morris     | Mr. Worden          |
| Mr. De Puy      | Mr. Morrison   | Mr. Wyckoff         |

39

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. Carpenter, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act for the relief of Asenath Mongin, widow of John Foomhalt," and found the same correctly engrossed.

*Ordered,* That the said bill do have its third reading.

By unanimous consent,

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the bill from the Senate, entitled "An act declaratory of title fourth, chapter second, part third of the Revised Statutes, relating to courts held by justices of the peace, and the several acts modifying, enlarging, altering or amending said title," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

On motion of Mr. T. R. Lee,

*Ordered,* That the said bill do have its third reading.

The engrossed bill entitled "An act in relation to a bridge across the canal in Water-street in the city of Albany," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 87 | } |
| { | NAYS   | 00 | } |
| { | ABSENT | 41 | } |

Those who voted in the affirmative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. D. Gould     | Mr. Porter          |
| Mr. Bagg        | Mr. G. Goold     | Mr. Raymond         |
| Mr. Bailey      | Mr. Hammond      | Mr. Rice            |
| Mr. Barber      | Mr. Hannum       | Mr. Sager           |
| Mr. Bevens      | Mr. Harris       | Mr. Salisbury       |
| Mr. Billings    | Mr. Hazelton     | Mr. Searing         |
| Mr. Bloss       | Mr. Hervey       | Mr. Sears           |
| Mr. Boughton    | Mr. Hine         | Mr. Sherman         |
| Mr. Bowen       | Mr. Huntington   | Mr. Skelton         |
| Mr. J. Brooks   | Mr. Jarvis       | Mr. W. Smith        |
| Mr. M. Brooks   | Mr. Johnson      | Mr. Speaker         |
| Mr. L. H. Brown | Mr. Kinne        | Mr. Spring          |
| Mr. S. A. Brown | Mr. Knapp        | Mr. J. Stevenson    |
| Mr. Bunker      | Mr. D. Lee       | Mr. R. L. Stevenson |
| Mr. Burdick     | Mr. T. R. Lee    | Mr. Strobbridge     |
| Mr. Carpenter   | Mr. Litchfield   | Mr. Sweeney         |
| Mr. Chase       | Mr. Long         | Mr. Tefft           |
| Mr. Coe         | Mr. M'Carthy     | Mr. Thayer          |
| Mr. Comstock    | Mr. M'Key        | Mr. Tibbits         |
| Mr. Constant    | Mr. M'Vean       | Mr. Tuthill         |
| Mr. Crain       | Mr. Mersereau    | Mr. Van Valkenburgh |
| Mr. Culver      | Mr. C. B. Miller | Mr. Walrath         |

|              |               |                 |    |
|--------------|---------------|-----------------|----|
| Mr. Danforth | Mr. S. Miller | Mr. White       | 87 |
| Mr. Dewey    | Mr. Morrison  | Mr. Whitney     |    |
| Mr. Dickson  | Mr. Newkirk   | Mr. Wilcox      |    |
| Mr. Fellows  | Mr. Niven     | Mr. Wyckoff     |    |
| Mr. Field    | Mr. Oakley    | Mr. Wynant      |    |
| Mr. Fonda    | Mr. Pardee    | Mr. A. W. Young |    |
| Mr. Gifford  | Mr. Pierce    | Mr. J. Young    |    |

And those who were absent are

|                  |               |                     |    |
|------------------|---------------|---------------------|----|
| Mr. Betts        | Mr. Fenn      | Mr. Morris          | 41 |
| Mr. Blake        | Mr. Frisbee   | Mr. Moulton         |    |
| Mr. Brower       | Mr. Garretson | Mr. Preston         |    |
| Mr. A. H. Buell  | Mr. Gregory   | Mr. Rogers          |    |
| Mr. T. Buel      | Mr. Hall      | Mr. Ross            |    |
| Mr. Bush         | Mr. Harden    | Mr. Russell         |    |
| Mr. Cameron      | Mr. Heermans  | Mr. A. C. Smith     |    |
| Mr. Casner       | Mr. Horton    | Mr. Thompson        |    |
| Mr. Collins      | Mr. Howard    | Mr. Titus           |    |
| Mr. C. F. Crosby | Mr. Hunt      | Mr. Van Schoonhoven |    |
| Mr. E. Crosby    | Mr. Jones     | Mr. Wells           |    |
| Mr. Dayton       | Mr. M'Donald  | Mr. Wheeler         |    |
| Mr. De Puy       | Mr. Mann      | Mr. Worden          |    |
| Mr. Edwards      | Mr. Mather    |                     |    |

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act for the relief of Asenath Morgin, the widow of John Foomhalt, an alien, and for other purposes," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |
|---|--------|----|
| { | AYES   | 88 |
|   | NAYS   | 00 |
|   | ABSENT | 40 |

Those who voted in the affirmative are

|               |              |               |
|---------------|--------------|---------------|
| Mr. Bachman   | Mr. Hannum   | Mr. Raymond   |
| Mr. Bagg      | Mr. Harden   | Mr. Rice      |
| Mr. Betts     | Mr. Harris   | Mr. Russell   |
| Mr. Bevens    | Mr. Hazelton | Mr. Sager     |
| Mr. Billings  | Mr. Heermans | Mr. Salisbury |
| Mr. Bloss     | Mr. Hervey   | Mr. Searing   |
| Mr. Boughton  | Mr. Hine     | Mr. Sears     |
| Mr. Bowen     | Mr. Jarvis   | Mr. Sherman   |
| Mr. J. Brooks | Mr. Johnson  | Mr. Skelton   |

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. M. Brooks   | Mr. Jones        | Mr. A. C. Smith     |
| Mr. L. H. Brown | Mr. Kinne        | Mr. W. Smith        |
| Mr. S. A. Brown | Mr. Knapp        | Mr. Spring          |
| Mr. A. H. Buell | Mr. D. Lee       | Mr. R. L. Stevenson |
| Mr. Burdick     | Mr. T. R. Lee    | Mr. Sirobridge      |
| Mr. Carpenter   | Mr. Litchfield   | Mr. Sweeney         |
| Mr. Chase       | Mr. Long         | Mr. Tefft           |
| Mr. Coe         | Mr. M'Key        | Mr. Thayer          |
| Mr. Collins     | Mr. M'Vean       | Mr. Tibbitts        |
| Mr. Constant    | Mr. Mersereau    | Mr. Titus           |
| Mr. Culver      | Mr. C. B. Miller | Mr. Tuthill         |
| Mr. Danforth    | Mr. S. Miller    | Mr. Van Valkenburgh |
| Mr. Dickson     | Mr. Morrison     | Mr. Walrath         |
| Mr. Fellows     | Mr. Newkirk      | Mr. Wheeler         |
| Mr. Field       | Mr. Niven        | Mr. White           |
| Mr. Fonda       | Mr. Oakley       | Mr. Wilcox          |
| Mr. Frisbee     | Mr. Pardee       | Mr. Wyckoff         |
| Mr. Gifford     | Mr. Pierce       | Mr. Wynant          |
| Mr. G. Goold    | Mr. Porter       | Mr. A. W. Young     |
| Mr. Gregory     | Mr. Preston      | Mr. J. Young        |
| Mr. Hammond     |                  |                     |

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And those who were absent are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Bailey       | Mr. De Puy     | Mr. Mann            |
| Mr. Barber       | Mr. Dewey      | Mr. Mather          |
| Mr. Blake        | Mr. Edwards    | Mr. Morris          |
| Mr. Brower       | Mr. Fenn       | Mr. Moulton         |
| Mr. T. Buel      | Mr. Garretson  | Mr. Rogers          |
| Mr. Bunker       | Mr. D. Gould   | Mr. Ross            |
| Mr. Bush         | Mr. Hall       | Mr. Speaker         |
| Mr. Cameron      | Mr. Horton     | Mr. J. Stevenson    |
| Mr. Casner       | Mr. Howard     | Mr. Thompson        |
| Mr. Comstock     | Mr. Hunt       | Mr. Van Schoonhoven |
| Mr. Crain        | Mr. Huntington | Mr. Wells           |
| Mr. C. F. Crosby | Mr. M'Carthy   | Mr. Whitney         |
| Mr. E. Crosby    | Mr. M'Donald   | Mr. Worden          |
| Mr. Dayton       |                |                     |

40

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

By unanimous consent,

Mr. Hervey, from the committee on charitable and religious societies, to which was referred the bill from the Senate, entitled "An act to incorporate the Heimbach Brothers in the city of New-York," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

On motion of Mr. Hervey,

*Ordered*, That the said bill do have its third reading.



By unanimous consent,

Mr. Hervey, from the committee on charitable and religious societies, to which was referred the bill from the Senate, entitled "An act to incorporate the Laborers' Union Benevolent Association in the city of New-York," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

On motion of Mr. Hervey,

*Ordered*, That the said bill do have its third reading.

The engrossed bill entitled "An act for the removal of insane convicts from the State prisons," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to incorporate the Apalachicola Land Company," was read the third time.

Mr. T. R. Lee moved that the question on the final passage of the said bill be laid upon the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. T. R. Lee, and it was determined in the affirmative.

The engrossed bill entitled "An act to improve the militia of this State," was read the third time.

Debates were had thereon; when

Mr. Morrison called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Whereupon,

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 63 | } |
| { | NAYS   | 17 | } |
| { | ABSENT | 48 | } |

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|               |               |                  |
|---------------|---------------|------------------|
| Mr. Bachman   | Mr. Edwards   | Mr. C. B. Miller |
| Mr. Bagg      | Mr. Fellows   | Mr. Newkirk      |
| Mr. Bailey    | Mr. Field     | Mr. Niven        |
| Mr. Barber    | Mr. Garretson | Mr. Oakley       |
| Mr. Betts     | Mr. Gifford   | Mr. Pardee       |
| Mr. Bevins    | Mr. G. Gould  | Mr. Porter       |
| Mr. Billings  | Mr. Gregory   | Mr. Raymond      |
| Mr. Bloss     | Mr. Hammond   | Mr. Rice         |
| Mr. Boughton  | Mr. Hannum    | Mr. Ross         |
| Mr. Bowen     | Mr. Harris    | Mr. Salisbury    |
| Mr. J. Brooks | Mr. Heermans  | Mr. Sears        |

|                 |                |                 |
|-----------------|----------------|-----------------|
| Mr. Brower      | Mr. Hine       | Mr. Sherman     |
| Mr. L. H. Brown | Mr. Huntington | Mr. A. C. Smith |
| Mr. S. A. Brown | Mr. Jarvis     | Mr. W. Smith    |
| Mr. Bunker      | Mr. Johnson    | Mr. Spring      |
| Mr. Burdick     | Mr. Knapp      | Mr. Sweeney     |
| Mr. Cameron     | Mr. D. Lee     | Mr. Tibbits     |
| Mr. Chase       | Mr. Litchfield | Mr. Wheeler     |
| Mr. Culver      | Mr. Long       | Mr. Wynant      |
| Mr. Danforth    | Mr. M'Vean     | Mr. A. W. Young |
| Mr. Dickson     | Mr. Mersereau  | Mr. J. Young    |

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Those who voted in the negative are

|               |              |                 |
|---------------|--------------|-----------------|
| Mr. Carpenter | Mr. Kinne    | Mr. Sager       |
| Mr. Dewey     | Mr. M'Key    | Mr. Skelton     |
| Mr. Fonda     | Mr. Mather   | Mr. Strobbridge |
| Mr. D. Gould  | Mr. Morrison | Mr. Tefft       |
| Mr. Hazelton  | Mr. Pierce   | Mr. Walrath     |
| Mr. Hervey    | Mr. Russell  |                 |

17

And those who were absent are

|                  |               |                     |
|------------------|---------------|---------------------|
| Mr. Blake        | Mr. Frisbee   | Mr. Searing         |
| Mr. M. Brooks    | Mr. Hall      | Mr. Speaker         |
| Mr. A. H. Buell  | Mr. Harden    | Mr. J. Stevenson    |
| Mr. T. Buel      | Mr. Horton    | Mr. R. L. Stevenson |
| Mr. Bush         | Mr. Howard    | Mr. Thayer          |
| Mr. Casner       | Mr. Hunt      | Mr. Thompson        |
| Mr. Coe          | Mr. Jones     | Mr. Titus           |
| Mr. Collins      | Mr. T. R. Lee | Mr. Tuthill         |
| Mr. Comstock     | Mr. M'Carthy  | Mr. Van Schoonhoven |
| Mr. Constant     | Mr. M'Donald  | Mr. Van Valkenburgh |
| Mr. Crain        | Mr. Mann      | Mr. Wells           |
| Mr. C. F. Crosby | Mr. S. Miller | Mr. White           |
| Mr. E. Crosby    | Mr. Morris    | Mr. Whitney         |
| Mr. Dayton       | Mr. Moulton   | Mr. Wilcox          |
| Mr. De Puy       | Mr. Preston   | Mr. Worden          |
| Mr. Fenn         | Mr. Rogers    | Mr. Wyckoff         |

48

*Ordered,* That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. Bailey moved that the House take a recess at six o'clock, and meet again at half past seven o'clock this evening.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Bailey, and it was determined in the affirmative.

The engrossed bill entitled "An act to increase the members of Fire Company No. 2 in the village of South-Middletown, Orange county," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |
|---|--------|----|
| { | AYES   | 86 |
|   | NAYS   | 00 |
|   | ABSENT | 42 |

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Fonda        | Mr. Pardee          |
| Mr. Bagg         | Mr. Garretson    | Mr. Porter          |
| Mr. Bailey       | Mr. Gifford      | Mr. Preston         |
| Mr. Barber       | Mr. D. Gould     | Mr. Raymond         |
| Mr. Betts        | Mr. G. Goold     | Mr. Rice            |
| Mr. Bevins       | Mr. Gregory      | Mr. Ross            |
| Mr. Billings     | Mr. Hammond      | Mr. Sager           |
| Mr. Bloss        | Mr. Hannum       | Mr. Salisbury       |
| Mr. Boughton     | Mr. Harris       | Mr. Searing         |
| Mr. Bowen        | Mr. Hazelton     | Mr. Sears           |
| Mr. J. Brooks    | Mr. Heermans     | Mr. Sherman         |
| Mr. M. Brooks    | Mr. Hervey       | Mr. Skelton         |
| Mr. Brower       | Mr. Hine         | Mr. A. C. Smith     |
| Mr. L. H. Brown  | Mr. Jarvis       | Mr. W. Smith        |
| Mr. S. A. Brown  | Mr. Johnson      | Mr. Spring          |
| Mr. Bunker       | Mr. Kinne        | Mr. R. L. Stevenson |
| Mr. Burdick      | Mr. Knapp        | Mr. Strobridge      |
| Mr. Caméron      | Mr. D. Lee       | Mr. Sweeney         |
| Mr. Carpenter    | Mr. Litchfield   | Mr. Tefft           |
| Mr. Chase        | Mr. Long         | Mr. Thayer          |
| Mr. Crain        | Mr. M'Key        | Mr. Tibbits         |
| Mr. C. F. Crosby | Mr. M'Vean       | Mr. Tuthill         |
| Mr. Culver       | Mr. Mather       | Mr. Van Valkenburgh |
| Mr. Danforth     | Mr. Mersereau    | Mr. Walrath         |
| Mr. Dewey        | Mr. C. B. Miller | Mr. Wheeler         |
| Mr. Dickson      | Mr. S. Miller    | Mr. Wynant          |
| Mr. Edwards      | Mr. Morrison     | Mr. A. W. Young     |
| Mr. Fellows      | Mr. Niven        | Mr. J. Young        |
| Mr. Field        | Mr. Oakley       |                     |

86

And those who were absent are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Blake       | Mr. Hall       | Mr. Pierce          |
| Mr. A. H. Buell | Mr. Harden     | Mr. Rogers          |
| Mr. T. Buel     | Mr. Horton     | Mr. Russell         |
| Mr. Bush        | Mr. Howard     | Mr. Speaker         |
| Mr. Casner      | Mr. Hunt       | Mr. J. Stevenson    |
| Mr. Coe         | Mr. Huntington | Mr. Thompson        |
| Mr. Collins     | Mr. Jones      | Mr. Titus           |
| Mr. Comstock    | Mr. T. R. Lee  | Mr. Van Schoonhoven |
| Mr. Constant    | Mr. M'Carthy   | Mr. Wells           |
| Mr. E. Crosby   | Mr. M'Donald   | Mr. White           |
| Mr. Dayton      | Mr. Mann       | Mr. Whitney         |
| Mr. De Puy      | Mr. Morris     | Mr. Wilcox          |
| Mr. Fenn        | Mr. Moulton    | Mr. Worden          |
| Mr. Frisbee     | Mr. Newkirk    | Mr. Wyckoff         |

42

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act in relation to mineral coal transported on the Erie canal," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to incorporate the Hebrew Mutual Benevolent Society in the city of New-York," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 86 | } |
| { | NAYS   | 00 | } |
| { | ABSENT | 42 | } |

Those who voted in the affirmative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. G. Goold     | Mr. Pierce          |
| Mr. Bagg        | Mr. Gregory      | Mr. Porter          |
| Mr. Bailey      | Mr. Hammond      | Mr. Preston         |
| Mr. Barber      | Mr. Hannum       | Mr. Rice            |
| Mr. Betts       | Mr. Harden       | Mr. Rogers          |
| Mr. Bevens      | Mr. Harris       | Mr. Ross            |
| Mr. Billings    | Mr. Hazelton     | Mr. Sager           |
| Mr. Bloss       | Mr. Heermans     | Mr. Searing         |
| Mr. Boughton    | Mr. Hervey       | Mr. Sherman         |
| Mr. Bowen       | Mr. Hine         | Mr. Skelton         |
| Mr. J. Brooks   | Mr. Huntington   | Mr. A. C. Smith     |
| Mr. Brower      | Mr. Jarvis       | Mr. W. Smith        |
| Mr. L. H. Brown | Mr. Johnson      | Mr. Spring          |
| Mr. S. A. Brown | Mr. Kinne        | Mr. R. L. Stevenson |
| Mr. A. H. Buell | Mr. Knapp        | Mr. Strobridge      |
| Mr. Bunker      | Mr. D. Lee       | Mr. Sweeney         |
| Mr. Chase       | Mr. T. R. Lee    | Mr. Tefft           |
| Mr. Coe         | Mr. Litchfield   | Mr. Thayer          |
| Mr. Collins     | Mr. Long         | Mr. Thompson        |
| Mr. Crain       | Mr. M'Key        | Mr. Tibbits         |
| Mr. Culver      | Mr. M'Vean       | Mr. Tnhill          |
| Mr. Danforth    | Mr. Mather       | Mr. Van Valkenburgh |
| Mr. Dickson     | Mr. Mersereau    | Mr. Walrath         |
| Mr. Edwards     | Mr. C. B. Miller | Mr. White           |
| Mr. Field       | Mr. S. Miller    | Mr. Wyckoff         |
| Mr. Fonda       | Mr. Morrison     | Mr. Wynant          |
| Mr. Garretson   | Mr. Niven        | Mr. A. W. Young     |
| Mr. Gifford     | Mr. Oakley       | Mr. J. Young        |
| Mr. D. Gould    | Mr. Pardee       |                     |

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And those who were absent are

|                  |              |                     |
|------------------|--------------|---------------------|
| Mr. Blake        | Mr. Dewey    | Mr. Newkirk         |
| Mr. M. Brooks    | Mr. Fellows  | Mr. Raymond         |
| Mr. T. Buel      | Mr. Fenn     | Mr. Russell         |
| Mr. Burdick      | Mr. Frisbee  | Mr. Salisbury       |
| Mr. Bush         | Mr. Hall     | Mr. Sears           |
| Mr. Cameron      | Mr. Horton   | Mr. Speaker         |
| Mr. Carpenter    | Mr. Howard   | Mr. J. Stevenson    |
| Mr. Casner       | Mr. Hunt     | Mr. Titus           |
| Mr. Comstock     | Mr. Jones    | Mr. Van Schoonhoven |
| Mr. Constant     | Mr. M'Carthy | Mr. Wells           |
| Mr. C. F. Crosby | Mr. M'Donald | Mr. Wheeler         |
| Mr. E. Crosby    | Mr. Mann     | Mr. Whitney         |
| Mr. Dayton       | Mr. Morris   | Mr. Wilcox          |
| Mr. De Puy       | Mr. Moulton  | Mr. Worden          |

42

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The hour of six o'clock having arrived,

The House took a recess until half past seven o'clock this evening.

#### HALF PAST SEVEN O'CLOCK P. M.

The House again met.

The engrossed bill from the Senate, entitled "An act declaratory of title fourth, chapter second, part third of the Revised Statutes, relating to courts held by justices of the peace, and the several acts modifying, enlarging, altering or amending said title," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill from the Senate, entitled "An act further to amend the act to abolish imprisonment for debt, and to punish fraudulent debtors, passed April 26th, 1831," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill from the Senate, entitled "An act for the building a bridge across the Esopus creek in the town of Marbletown, county of Ulster, at or near the house of Jacob B. Davis," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill from the Senate, entitled "An act to regulate fisheries in the town of Esopus in the county of Ulster," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill from the Senate, entitled "An act for the security of mechanics and others erecting buildings and furnishing materials the town of Kingston in the county of Ulster," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill from the Senate, entitled "An act to prevent frauds in inspection in the county of Kings," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill from the Senate, entitled "An act to fix the place of holding the next annual town meeting in the town of Clay, Onondaga county," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill from the Senate, entitled "An act to enable Edward Burchell to take, hold and convey real estate," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill from the Senate, entitled "An act to amend the law in relation to suits against foreign corporations," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill from the Senate, entitled "An act to amend an act entitled 'An act to provide for the appointment of a police justice in the village of Oswego,' passed April 29th, 1844," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill from the Senate, entitled "An act in relation to the courts of common pleas and general sessions of the peace in and for the county of Kings," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill from the Senate, entitled "An act for the relief of Thomas J. Gilbert," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill from the Senate, entitled "An act for the relief of William M'Lachlin," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 57 | } |
| { | NAYS   | 29 | } |
| { | ABSENT | 42 | } |

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                  |                |                  |
|------------------|----------------|------------------|
| Mr. Bachman      | Mr. Hammond    | Mr. Rice         |
| Mr. Barber       | Mr. Hannum     | Mr. Rogers       |
| Mr. Betts        | Mr. Heermans   | Mr. Ross         |
| Mr. Bevins       | Mr. Hervey     | Mr. Sager        |
| Mr. Billings     | Mr. Hine       | Mr. Sears        |
| Mr. Boughton     | Mr. Jarvis     | Mr. A. C. Smith  |
| Mr. Bowen        | Mr. D. Lee     | Mr. W. Smith     |
| Mr. M. Brooks    | Mr. Litchfield | Mr. Spring       |
| Mr. S. A. Brown  | Mr. Long       | Mr. J. Stevenson |
| Mr. Bunker       | Mr. M'Carthy   | Mr. Sweeney      |
| Mr. C. F. Crosby | Mr. M'Key      | Mr. Thayer       |

|              |               |                     |
|--------------|---------------|---------------------|
| Mr. Culver   | Mr. M'Vean    | Mr. Tibbits         |
| Mr. Dewey    | Mr. Mersereau | Mr. Van Valkenburgh |
| Mr. Edwards  | Mr. Morrison  | Mr. Walrath         |
| Mr. Fellows  | Mr. Newkirk   | Mr. Wheeler         |
| Mr. Field    | Mr. Niven     | Mr. Wyckoff         |
| Mr. Fonda    | Mr. Oakley    | Mr. Wynant          |
| Mr. Gifford  | Mr. Pierce    | Mr. A. W. Young     |
| Mr. G. Goold | Mr. Raymond   | Mr. J. Young        |

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Those who voted in the negative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bailey      | Mr. Johnson      | Mr. Salisbury       |
| Mr. Brower      | Mr. Kinne        | Mr. Searing         |
| Mr. L. H. Brown | Mr. Knapp        | Mr. Skelton         |
| Mr. Burdick     | Mr. T. R. Lee    | Mr. R. L. Stevenson |
| Mr. Chase       | Mr. Mather       | Mr. Strobbridge     |
| Mr. Constant    | Mr. C. B. Miller | Mr. Tefft           |
| Mr. Crain       | Mr. S. Miller    | Mr. Titus           |
| Mr. Gregory     | Mr. Pardee       | Mr. Tutbill         |
| Mr. Harden      | Mr. Porter       | Mr. White           |
| Mr. Hazelton    | Mr. Preston      |                     |

29

And those who were absent are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Bagg        | Mr. Danforth   | Mr. Jones           |
| Mr. Blake       | Mr. Dayton     | Mr. M'Donald        |
| Mr. Bloss       | Mr. De Puy     | Mr. Mann            |
| Mr. J. Brooks   | Mr. Dickson    | Mr. Morris          |
| Mr. A. H. Buell | Mr. Fenn       | Mr. Moulton         |
| Mr. T. Buel     | Mr. Frisbee    | Mr. Russell         |
| Mr. Bush        | Mr. Garretson  | Mr. Sherman         |
| Mr. Cameron     | Mr. D. Gould   | Mr. Speaker         |
| Mr. Carpenter   | Mr. Hall       | Mr. Thompson        |
| Mr. Casner      | Mr. Harris     | Mr. Van Schoonhoven |
| Mr. Coe         | Mr. Horton     | Mr. Wells           |
| Mr. Collins     | Mr. Howard     | Mr. Whitney         |
| Mr. Comstock    | Mr. Hunt       | Mr. Wilcox          |
| Mr. E. Crosby   | Mr. Huntington | Mr. Worden          |

42

The engrossed bill from the Senate, entitled "An act for the relief of John H. Boyd," was read the third time.

Debates were had thereon; when

Mr. C. F. Crosby called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Whereupon,

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 51 | } |
|   | NAYS   | 49 |   |
|   | ABSENT | 28 |   |

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                  |                  |                  |
|------------------|------------------|------------------|
| Mr. Barber       | Mr. G. Goold     | Mr. Raymond      |
| Mr. Betts        | Mr. Hammond      | Mr. Rice         |
| Mr. Bevens       | Mr. Hannum       | Mr. Rogers       |
| Mr. Billings     | Mr. Harris       | Mr. Ross         |
| Mr. Bloss        | Mr. Heermans     | Mr. Russell      |
| Mr. Bowen        | Mr. Hervey       | Mr. Sager        |
| Mr. S. A. Brown  | Mr. D. Lee       | Mr. Sherman      |
| Mr. Coe          | Mr. Litchfield   | Mr. Spring       |
| Mr. Collins      | Mr. Long         | Mr. J. Stevenson |
| Mr. C. F. Crosby | Mr. M'Carthy     | Mr. Sweeney      |
| Mr. Culver       | Mr. M'Key        | Mr. Tibbits      |
| Mr. Dewey        | Mr. M'Vean       | Mr. Walrath      |
| Mr. Edwards      | Mr. C. B. Miller | Mr. Wheeler      |
| Mr. Field        | Mr. Morrison     | Mr. Wyckoff      |
| Mr. Fonda        | Mr. Newkirk      | Mr. Wynant       |
| Mr. Garretson    | Mr. Oakley       | Mr. A. W. Young  |
| Mr. Gifford      | Mr. Porter       | Mr. J. Young     |

51

Those who voted in the negative are

|                 |               |                     |
|-----------------|---------------|---------------------|
| Mr. Bachman     | Mr. Fellows   | Mr. Niven           |
| Mr. Bagg        | Mr. Gregory   | Mr. Pardee          |
| Mr. Bailey      | Mr. Harden    | Mr. Pierce          |
| Mr. Boughton    | Mr. Hazelton  | Mr. Preston         |
| Mr. J. Brooks   | Mr. Hine      | Mr. Salisbury       |
| Mr. M. Brooks   | Mr. Howard    | Mr. Searing         |
| Mr. Brower      | Mr. Jarvis    | Mr. Sears           |
| Mr. L. H. Brown | Mr. Jones     | Mr. Skelton         |
| Mr. A. H. Buell | Mr. Kinne     | Mr. W. Smith        |
| Mr. Bunker      | Mr. Knapp     | Mr. R. L. Stevenson |
| Mr. Burdick     | Mr. T. R. Lee | Mr. Sirobridge      |
| Mr. Carpenter   | Mr. M'Donald  | Mr. Tefft           |
| Mr. Chase       | Mr. Mather    | Mr. Thayer          |
| Mr. Constant    | Mr. Mersereau | Mr. Titus           |
| Mr. Crain       | Mr. S. Miller | Mr. Tuthill         |
| Mr. Danforth    | Mr. Morris    | Mr. White           |
| Mr. Dickson     |               |                     |

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And those who were absent are

|             |              |                 |
|-------------|--------------|-----------------|
| Mr. Blake   | Mr. Frisbee  | Mr. A. C. Smith |
| Mr. T. Buel | Mr. D. Gould | Mr. Speaker     |



|               |                |                     |
|---------------|----------------|---------------------|
| Mr. Bush      | Mr. Hall       | Mr. Thompson        |
| Mr. Cameron   | Mr. Horton     | Mr. Van Schoonhoven |
| Mr. Casner    | Mr. Hunt       | Mr. Van Valkenburgh |
| Mr. Comstock  | Mr. Huntington | Mr. Wells           |
| Mr. E. Crosby | Mr. Johnson    | Mr. Whitney         |
| Mr. Dayton    | Mr. Mann       | Mr. Wilcox          |
| Mr. De Puy    | Mr. Moulton    | Mr. Worden          |
| Mr. Fenn      |                |                     |

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The engrossed bill from the Senate, entitled "An act in relation to the Presbyterian Church of Amsterdam village," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 98 | } |
|   | NAYS   | 00 |   |
|   | ABSENT | 30 |   |

Those who voted in the affirmative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. D. Gould     | Mr. Pierce          |
| Mr. Bagg        | Mr. G. Gould     | Mr. Porter          |
| Mr. Bailey      | Mr. Gregory      | Mr. Preston         |
| Mr. Barber      | Mr. Hannum       | Mr. Rice            |
| Mr. Betts       | Mr. Harden       | Mr. Rogers          |
| Mr. Bevens      | Mr. Harris       | Mr. Ross            |
| Mr. Billings    | Mr. Hazelton     | Mr. Russell         |
| Mr. Bloss       | Mr. Heermans     | Mr. Sager           |
| Mr. Boughton    | Mr. Hervey       | Mr. Salisbury       |
| Mr. Bowen       | Mr. Hine         | Mr. Searing         |
| Mr. J. Brooks   | Mr. Howard       | Mr. Sears           |
| Mr. M. Brooks   | Mr. Huntington   | Mr. Sherman         |
| Mr. Brower      | Mr. Jarvis       | Mr. Skelton         |
| Mr. L. H. Brown | Mr. Jones        | Mr. A. C. Smith     |
| Mr. S. A. Brown | Mr. Kinne        | Mr. W. Smith        |
| Mr. A. H. Buell | Mr. D. Lee       | Mr. Spring          |
| Mr. Bunker      | Mr. T. R. Lee    | Mr. J. Stevenson    |
| Mr. Burdick     | Mr. Litchfield   | Mr. R. L. Stevenson |
| Mr. Carpenter   | Mr. Long         | Mr. Strobbridge     |
| Mr. Chase       | Mr. M'Carthy     | Mr. Sweeney         |
| Mr. Coe         | Mr. M'Donald     | Mr. Tefft           |
| Mr. Collins     | Mr. M'Key        | Mr. Thayer          |
| Mr. Constant    | Mr. M'Vean       | Mr. Tibbits         |
| Mr. Crain       | Mr. Mather       | Mr. Titus           |
| Mr. Culver      | Mr. Mersereau    | Mr. Tuthill         |
| Mr. Danforth    | Mr. C. B. Miller | Mr. Walrath         |
| Mr. Dewey       | Mr. S. Miller    | Mr. Wheeler         |

|               |              |                 |
|---------------|--------------|-----------------|
| Mr. Dickson   | Mr. Morris   | Mr. White       |
| Mr. Edwards   | Mr. Morrison | Mr. Wyckoff     |
| Mr. Fellows   | Mr. Newkirk  | Mr. Wynant      |
| Mr. Field     | Mr. Niven    | Mr. A. W. Young |
| Mr. Garretson | Mr. Oakley   | Mr. J. Young    |
| Mr. Gifford   | Mr. Pardee   |                 |

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And those who were absent are

|                  |             |                     |
|------------------|-------------|---------------------|
| Mr. Blake        | Mr. Fenn    | Mr. Moulton         |
| Mr. T. Buel      | Mr. Fonda   | Mr. Raymond         |
| Mr. Bush         | Mr. Frisbee | Mr. Speaker         |
| Mr. Cameron      | Mr. Hall    | Mr. Thompson        |
| Mr. Casner       | Mr. Hammond | Mr. Van Schoonhoven |
| Mr. Comstock     | Mr. Horton  | Mr. Van Valkenburgh |
| Mr. C. F. Crosby | Mr. Hunt    | Mr. Wells           |
| Mr. E. Crosby    | Mr. Johnson | Mr. Whitney         |
| Mr. Dayton       | Mr. Knapp   | Mr. Wilcox          |
| Mr. De Puy       | Mr. Mann    | Mr. Worden          |

30

The engrossed bill from the Senate, entitled "An act to amend an act entitled 'An act in relation to the receiver of the Farmers' Bank of Orleans,' passed April 8th, 1845," was read the third time.

*Resolved,* That the bill do pass.

*Ordered,* That the Clerk return the said bills to the Senate, and inform them that the Assembly have passed the same severally without amendment.

The engrossed bill entitled "An act to amend an act entitled 'An act incorporating the Goshen and Albany Railroad Company,' passed April 12th, 1842," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 86 | } |
| { | NAYS   | 12 | } |
| { | ABSENT | 30 | } |

Those who voted in the affirmative are

|               |                |               |
|---------------|----------------|---------------|
| Mr. Barber    | Mr. Hazelton   | Mr. Rice      |
| Mr. Betts     | Mr. Heermans   | Mr. Rogers    |
| Mr. Bevens    | Mr. Hervey     | Mr. Ross      |
| Mr. Billings  | Mr. Hine       | Mr. Russell   |
| Mr. Bloss     | Mr. Howard     | Mr. Sager     |
| Mr. Boughton  | Mr. Huntington | Mr. Salisbury |
| Mr. Bowen     | Mr. Jarvis     | Mr. Searing   |
| Mr. J. Brooks | Mr. Johnson    | Mr. Sears     |
| Mr. M. Brooks | Mr. Jones      | Mr. Skelton   |

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. L. H. Brown  | Mr. Kinne      | Mr. A. C. Smith     |
| Mr. Burdick      | Mr. D. Lee     | Mr. W. Smith        |
| Mr. Chase        | Mr. Litchfield | Mr. Spring          |
| Mr. Coe          | Mr. Long       | Mr. J. Stevenson    |
| Mr. Collins      | Mr. M'Carthy   | Mr. R. L. Stevenson |
| Mr. Constant     | Mr. M'Donald   | Mr. Strobbridge     |
| Mr. Crain        | Mr. M'Key      | Mr. Sweeney         |
| Mr. C. F. Crosby | Mr. M'Vean     | Mr. Tefft           |
| Mr. Culver       | Mr. Mather     | Mr. Thayer          |
| Mr. Danforth     | Mr. Mersereau  | Mr. Tibbits         |
| Mr. Dewey        | Mr. S. Miller  | Mr. Titus           |
| Mr. Fellows      | Mr. Morris     | Mr. Tuthill         |
| Mr. Field        | Mr. Morrison   | Mr. Walrath         |
| Mr. Fonda        | Mr. Newkirk    | Mr. Wheeler         |
| Mr. Gifford      | Mr. Niven      | Mr. White           |
| Mr. D. Gould     | Mr. Oakley     | Mr. Wyckoff         |
| Mr. G. Goold     | Mr. Pardee     | Mr. Wynant          |
| Mr. Hannum       | Mr. Porter     | Mr. A. W. Young     |
| Mr. Harden       | Mr. Preston    | Mr. J. Young        |
| Mr. Harris       | Mr. Raymond    |                     |

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Those who voted in the negative are

|             |                 |             |
|-------------|-----------------|-------------|
| Mr. Bachman | Mr. A. H. Buell | Mr. Gregory |
| Mr. Bagg    | Mr. Bunker      | Mr. Hammond |
| Mr. Bailey  | Mr. Carpenter   | Mr. Knapp   |
| Mr. Brower  | Mr. Edwards     | Mr. Whitney |

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And those who were absent are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Blake       | Mr. Dickson      | Mr. Moulton         |
| Mr. S. A. Brown | Mr. Fenn         | Mr. Pierce          |
| Mr. T. Buel     | Mr. Frisbee      | Mr. Sherman         |
| Mr. Bush        | Mr. Garretson    | Mr. Speaker         |
| Mr. Cameron     | Mr. Hall         | Mr. Thompson        |
| Mr. Casner      | Mr. Horton       | Mr. Van Schoonhoven |
| Mr. Comstock    | Mr. Hunt         | Mr. Van Valkenburgh |
| Mr. E. Crosby   | Mr. T. R. Lee    | Mr. Wells           |
| Mr. Dayton      | Mr. Mann         | Mr. Wilcox          |
| Mr. De Puy      | Mr. C. B. Miller | Mr. Worden          |

30

*Ordered,* That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. Oakley, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to incorporate the Wilson Academy," and found the same correctly engrossed.

*Ordered,* That the said bill do have its third reading.

The engrossed bill from the Senate, entitled "An act further to amend the act to incorporate the village of Ithaca, passed April 2d, 1821," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |     |
|---|--------|-----|
| { | AYES   | 101 |
|   | NAYS   | 00  |
|   | ABSENT | 27  |

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Gifford      | Mr. Porter          |
| Mr. Bagg         | Mr. D. Gould     | Mr. Preston         |
| Mr. Bailey       | Mr. G. Goold     | Mr. Raymond         |
| Mr. Barber       | Mr. Hammond      | Mr. Rice            |
| Mr. Betts        | Mr. Hannum       | Mr. Rogers          |
| Mr. Bevens       | Mr. Harden       | Mr. Ross            |
| Mr. Billings     | Mr. Hazelton     | Mr. Russell         |
| Mr. Bloss        | Mr. Heermans     | Mr. Sager           |
| Mr. Boughton     | Mr. Hervey       | Mr. Salisbury       |
| Mr. Bowen        | Mr. Hine         | Mr. Searing         |
| Mr. J. Brooks    | Mr. Howard       | Mr. Sears           |
| Mr. M. Brooks    | Mr. Huntington   | Mr. Sherman         |
| Mr. L. H. Brown  | Mr. Jarvis       | Mr. Skelton         |
| Mr. A. H. Buell  | Mr. Johnson      | Mr. A. C. Smith     |
| Mr. Bunker       | Mr. Jones        | Mr. W. Smith        |
| Mr. Burdick      | Mr. Kinne        | Mr. J. Stevenson    |
| Mr. Carpenter    | Mr. Knapp        | Mr. R. L. Stevenson |
| Mr. Casner       | Mr. T. R. Lee    | Mr. Strobidge       |
| Mr. Chase        | Mr. Litchfield   | Mr. Sweeney         |
| Mr. Coe          | Mr. Long         | Mr. Tefft           |
| Mr. Collins      | Mr. M'Carthy     | Mr. Thayer          |
| Mr. Comstock     | Mr. M'Donald     | Mr. Tibbits         |
| Mr. Constant     | Mr. M'Key        | Mr. Titus           |
| Mr. Crain        | Mr. M'Vean       | Mr. Tuthill         |
| Mr. C. F. Crosby | Mr. Mather       | Mr. Van Valkenburgh |
| Mr. Culver       | Mr. Mersereau    | Mr. Walrath         |
| Mr. Danforth     | Mr. C. B. Miller | Mr. Wheeler         |
| Mr. Dewey        | Mr. S. Miller    | Mr. White           |
| Mr. Dickson      | Mr. Morris       | Mr. Whitney         |
| Mr. Edwards      | Mr. Morrison     | Mr. Wyckoff         |
| Mr. Fellows      | Mr. Newkirk      | Mr. Wynant          |
| Mr. Field        | Mr. Niven        | Mr. A. W. Young     |
| Mr. Fonda        | Mr. Oakley       | Mr. J. Young        |
| Mr. Garretson    | Mr. Pardee       |                     |

101

And those who were absent are

|            |             |             |
|------------|-------------|-------------|
| Mr. Blake  | Mr. Fenn    | Mr. Moulton |
| Mr. Brower | Mr. Frisbee | Mr. Pierce  |



|                 |             |                     |
|-----------------|-------------|---------------------|
| Mr. S. A. Brown | Mr. Gregory | Mr. Speaker         |
| Mr. T. Buel     | Mr. Hall    | Mr. Spring          |
| Mr. Bush        | Mr. Harris  | Mr. Thompson        |
| Mr. Cameron     | Mr. Horton  | Mr. Van Schoonhoven |
| Mr. E. Crosby   | Mr. Hunt    | Mr. Wells           |
| Mr. Dayton      | Mr. D. Lee  | Mr. Wilcox          |
| Mr. De Puy      | Mr. Mann    | Mr. Worden          |

27

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The engrossed bill entitled "An act to incorporate the Wilson Academy," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |     |   |
|---|--------|-----|---|
| { | AYES   | 102 | } |
| { | NAYS   | 00  | } |
| { | ABSENT | 26  | } |

Those who voted in the affirmative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Bachman      | Mr. Gifford    | Mr. Oakley          |
| Mr. Bagg         | Mr. D. Gould   | Mr. Pardee          |
| Mr. Barber       | Mr. G. Goold   | Mr. Pierce          |
| Mr. Betts        | Mr. Gregory    | Mr. Porter          |
| Mr. Bevens       | Mr. Hammond    | Mr. Preston         |
| Mr. Billings     | Mr. Hannum     | Mr. Raymond         |
| Mr. Bloss        | Mr. Harden     | Mr. Rice            |
| Mr. Boughton     | Mr. Harris     | Mr. Rogers          |
| Mr. Bowen        | Mr. Hazelton   | Mr. Ross            |
| Mr. J. Brooks    | Mr. Heermans   | Mr. Sager           |
| Mr. M. Brooks    | Mr. Hervey     | Mr. Salisbury       |
| Mr. S. A. Brown  | Mr. Hine       | Mr. Searing         |
| Mr. A. H. Buell  | Mr. Horton     | Mr. Sears           |
| Mr. Bunker       | Mr. Howard     | Mr. Skelton         |
| Mr. Burdick      | Mr. Huntington | Mr. A. C. Smith     |
| Mr. Carpenter    | Mr. Jarvis     | Mr. W. Smith        |
| Mr. Casner       | Mr. Johnson    | Mr. Spring          |
| Mr. Chase        | Mr. Jones      | Mr. J. Stevenson    |
| Mr. Coe          | Mr. Kinne      | Mr. R. L. Stevenson |
| Mr. Collins      | Mr. Knapp      | Mr. Strobridge      |
| Mr. Comstock     | Mr. T. R. Lee  | Mr. Sweeney         |
| Mr. Constant     | Mr. Litchfield | Mr. Tefft           |
| Mr. Crain        | Mr. Long       | Mr. Thayer          |
| Mr. C. F. Crosby | Mr. M'Carthy   | Mr. Tibbits         |
| Mr. Culver       | Mr. M'Donald   | Mr. Titus           |
| Mr. Danforth     | Mr. M'Key      | Mr. Tuthill         |
| Mr. Dewey        | Mr. M'Vean     | Mr. Van Valkenburgh |
| Mr. Dickson      | Mr. Mather     | Mr. Walrath         |

|               |                  |                 |
|---------------|------------------|-----------------|
| Mr. Edwards   | Mr. Mersereau    | Mr. Wheeler     |
| Mr. Fellows   | Mr. C. B. Miller | Mr. White       |
| Mr. Field     | Mr. S. Miller    | Mr. Whitney     |
| Mr. Fonda     | Mr. Morrison     | Mr. Wynant      |
| Mr. Frisbee   | Mr. Newkirk      | Mr. A. W. Young |
| Mr. Garretson | Mr. Niven        | Mr. J. Young    |

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And those who were absent are

|                 |             |                     |
|-----------------|-------------|---------------------|
| Mr. Bailey      | Mr. De Puy  | Mr. Sherman         |
| Mr. Blake       | Mr. Fenn    | Mr. Speaker         |
| Mr. Brower      | Mr. Hall    | Mr. Thompson        |
| Mr. L. H. Brown | Mr. Hunt    | Mr. Van Schoonhoven |
| Mr. T. Buel     | Mr. D. Lee  | Mr. Wells           |
| Mr. Bush        | Mr. Mann    | Mr. Wilcox          |
| Mr. Cameron     | Mr. Morris  | Mr. Worden          |
| Mr. E. Crosby   | Mr. Moulton | Mr. Wyckoff         |
| Mr. Dayton      | Mr. Russell |                     |

26

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill from the Senate, entitled "An act for the relief of Samuel S. Riddle, Constant Cook, John Magee and Horatio R. Riddle," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The engrossed bill entitled "An act to amend an act entitled 'An act in relation to the Natural History of New-York,'" was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act authorising the Hamilton and Skaneateles Turnpike Company to abandon a part of their road," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the negative; less than two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 42 | } |
| { | NAYS   | 53 | } |
| { | ABSENT | 33 | } |

Those who voted in the affirmative are

|              |             |              |
|--------------|-------------|--------------|
| Mr. Barber   | Mr. Dickson | Mr. Morrison |
| Mr. Betts    | Mr. Fellows | Mr. Niven    |
| Mr. Bevens   | Mr. Field   | Mr. Raymond  |
| Mr. Billings | Mr. Fonda   | Mr. Ross     |

|                  |               |                  |
|------------------|---------------|------------------|
| Mr. Bloss        | Mr. Garretson | Mr. Sager        |
| Mr. J. Brooks    | Mr. Gifford   | Mr. A. C. Smith  |
| Mr. M. Brooks    | Mr. Hannum    | Mr. W. Smith     |
| Mr. L. H. Brown  | Mr. Hervey    | Mr. Spring       |
| Mr. S. A. Brown  | Mr. H. ne     | Mr. J. Stevenson |
| Mr. Coe          | Mr. Horton    | Mr. Tuthill      |
| Mr. Collins      | Mr. D. Lee    | Mr. Walrath      |
| Mr. Comstock     | Mr. Long      | Mr. White        |
| Mr. C. F. Crosby | Mr. M'Key     | Mr. Wynant       |
| Mr. Dewey        | Mr. S. Miller | Mr. J. Young     |

42

Those who voted in the negative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. Hazelton     | Mr. Preston         |
| Mr. Bagg        | Mr. Heermans     | Mr. Rice            |
| Mr. Bailey      | Mr. Jarvis       | Mr. Rogers          |
| Mr. Boughton    | Mr. Johnson      | Mr. Salisbury       |
| Mr. Bowen       | Mr. Kinne        | Mr. Searing         |
| Mr. Brower      | Mr. Knapp        | Mr. Sherman         |
| Mr. A. H. Buell | Mr. T. R. Lee    | Mr. Skelton         |
| Mr. Burdick     | Mr. Litchfield   | Mr. R. L. Stevenson |
| Mr. Carpenter   | Mr. M'Carthy     | Mr. Stobridge       |
| Mr. Chase       | Mr. M'Donald     | Mr. Sweeney         |
| Mr. Crain       | Mr. Mersereau    | Mr. Tefft           |
| Mr. Culver      | Mr. C. B. Miller | Mr. Thayer          |
| Mr. Danforth    | Mr. Morris       | Mr. Tibbits         |
| Mr. Frisbee     | Mr. Newkirk      | Mr. Titus           |
| Mr. G. Goold    | Mr. Oakley       | Mr. Van Valkenburgh |
| Mr. Gregory     | Mr. Pardee       | Mr. Wheeler         |
| Mr. Hammond     | Mr. Pierce       | Mr. A. W. Young     |
| Mr. Harden      | Mr. Porter       |                     |

53

And those who were absent are

|               |                |                     |
|---------------|----------------|---------------------|
| Mr. Blake     | Mr. Fenn       | Mr. Moulton         |
| Mr. T. Buel   | Mr. D. Gould   | Mr. Russell         |
| Mr. Bunker    | Mr. Hall       | Mr. Sears           |
| Mr. Bush      | Mr. Harris     | Mr. Speaker         |
| Mr. Cameron   | Mr. Howard     | Mr. Thompson        |
| Mr. Casner    | Mr. Hunt       | Mr. Van Schoonhoven |
| Mr. Constant  | Mr. Huntington | Mr. Wells           |
| Mr. E. Crosby | Mr. Jones      | Mr. Whitney         |
| Mr. Dayton    | Mr. M'Vean     | Mr. Wilcox          |
| Mr. De Puy    | Mr. Mann       | Mr. Worden          |
| Mr. Edwards   | Mr. Mather     | Mr. Wyckoff         |

33

A message from the Senate, with the bill and amendments therein mentioned, was received and read, informing that the Senate had consented to the appointment of a committee of conference on the amendments to the bill entitled "An act for the relief of John E. Foley," which

are the subject of disagreement between the two houses ; and that Mr. Corning, Mr. Bartlit and Mr. Backus, are of the said committee on the part of the Senate.

Mr. T. R. Lee moved that the House do now adjourn.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. T. R. Lee, and it was determined in the negative.

|   |        |    |
|---|--------|----|
| { | AYES   | 27 |
|   | NAYS   | 72 |
|   | ABSENT | 29 |

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|               |                  |                 |    |
|---------------|------------------|-----------------|----|
| Mr. Bevens    | Mr. Hine         | Mr. Pierce      |    |
| Mr. Billings  | Mr. Jarvis       | Mr. Sager       |    |
| Mr. M. Brooks | Mr. T. R. Lee    | Mr. Sears       |    |
| Mr. Brower    | Mr. M'Key        | Mr. A. C. Smith |    |
| Mr. Burdick   | Mr. Mersereau    | Mr. W. Smith    |    |
| Mr. Comstock  | Mr. C. B. Miller | Mr. Sirobridge  |    |
| Mr. Fellows   | Mr. Newkirk      | Mr. Walrath     |    |
| Mr. Fonda     | Mr. Niven        | Mr. White       |    |
| Mr. Hervey    | Mr. Pardee       | Mr. Whitney     | 27 |

Those who voted in the negative are

|                  |                |                     |    |
|------------------|----------------|---------------------|----|
| Mr. Bagg         | Mr. Garretson  | Mr. Preston         |    |
| Mr. Bailey       | Mr. Gifford    | Mr. Raymond         |    |
| Mr. Barber       | Mr. G. Goold   | Mr. Rice            |    |
| Mr. Betts        | Mr. Gregory    | Mr. Rogers          |    |
| Mr. Bloss        | Mr. Hammond    | Mr. Ross            |    |
| Mr. Boughton     | Mr. Hannum     | Mr. Russell         |    |
| Mr. Bowen        | Mr. Harden     | Mr. Salisbury       |    |
| Mr. J. Brooks    | Mr. Hazelton   | Mr. Searing         |    |
| Mr. L. H. Brown  | Mr. Heermans   | Mr. Sherman         |    |
| Mr. S. A. Brown  | Mr. Horton     | Mr. Skelton         |    |
| Mr. A. H. Buell  | Mr. Johnson    | Mr. Speaker         |    |
| Mr. Bunker       | Mr. Jones      | Mr. Spring          |    |
| Mr. Carpenter    | Mr. Kinne      | Mr. J. Stevenson    |    |
| Mr. Casner       | Mr. Knapp      | Mr. R. L. Stevenson |    |
| Mr. Chase        | Mr. D. Lee     | Mr. Sweeney         |    |
| Mr. Coe          | Mr. Litchfield | Mr. Tefft           |    |
| Mr. Constant     | Mr. Long       | Mr. Thayer          |    |
| Mr. Crain        | Mr. M'Carthy   | Mr. Tibbits         |    |
| Mr. C. F. Crosby | Mr. M'Vean     | Mr. Titus           |    |
| Mr. Culver       | Mr. Mather     | Mr. Wheeler         |    |
| Mr. Danforth     | Mr. Morris     | Mr. Wyckoff         |    |
| Mr. Dewey        | Mr. Morrison   | Mr. Wynant          |    |
| Mr. Field        | Mr. Oakley     | Mr. A. W. Young     |    |
| Mr. Frisbee      | Mr. Porter     | Mr. J. Young        | 72 |



And those who were absent are

|               |                |                     |
|---------------|----------------|---------------------|
| Mr. Bachman   | Mr. Edwards    | Mr. S. Miller       |
| Mr. Blake     | Mr. Fenn       | Mr. Moulton         |
| Mr. T. Buel   | Mr. D. Gould   | Mr. Thompson        |
| Mr. Bush      | Mr. Hall       | Mr. Tuthill         |
| Mr. Cameron   | Mr. Harris     | Mr. Van Schoonhoven |
| Mr. Collins   | Mr. Howard     | Mr. Van Valkenburgh |
| Mr. E. Crosby | Mr. Hunt       | Mr. Wells           |
| Mr. Dayton    | Mr. Huntington | Mr. Wilcox          |
| Mr. De Puy    | Mr. M'Donald   | Mr. Worden          |
| Mr. Dickson   | Mr. Mann       |                     |

29

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act recommending a Convention of the People of this State," with the amendments accompanying the same.

The said amendments having been read,

Mr. Bailey moved that the House concur therein.

Debates were had thereon ; when

Mr. M'Carthy called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

|   |        |    |
|---|--------|----|
| { | AYES   | 64 |
|   | NAYS   | 41 |
|   | ABSENT | 23 |

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Bagg        | Mr. Gifford    | Mr. Morrison        |
| Mr. Bailey      | Mr. G. Goold   | Mr. Oakley          |
| Mr. Barber      | Mr. Gregory    | Mr. Preston         |
| Mr. Betts       | Mr. Hammond    | Mr. Raymond         |
| Mr. Bloss       | Mr. Hannum     | Mr. Rice            |
| Mr. Boughton    | Mr. Harden     | Mr. Ross            |
| Mr. Bowen       | Mr. Harris     | Mr. Russell         |
| Mr. J. Brooks   | Mr. Heermans   | Mr. Salisbury       |
| Mr. Brower      | Mr. Horton     | Mr. Searing         |
| Mr. S. A. Brown | Mr. Jarvis     | Mr. Sherman         |
| Mr. A. H. Buell | Mr. Johnson    | Mr. Skelton         |
| Mr. Bunker      | Mr. Kinne      | Mr. Spring          |
| Mr. Casner      | Mr. Knapp      | Mr. J. Stevenson    |
| Mr. Chase       | Mr. D. Lee     | Mr. R. L. Stevenson |
| Mr. Coe         | Mr. Litchfield | Mr. Tefft           |
| Mr. Crain       | Mr. Long       | Mr. Tibbits         |

|                  |               |                 |
|------------------|---------------|-----------------|
| Mr. C. F. Crosby | Mr. M'Carthy  | Mr. Titus       |
| Mr. Culver       | Mr. M'Donald  | Mr. Worden      |
| Mr. Dewey        | Mr. M'Vean    | Mr. Wynant      |
| Mr. Field        | Mr. Mather    | Mr. A. W. Young |
| Mr. Frisbee      | Mr. Mersereau | Mr. J. Young    |
| Mr. Garretson    |               |                 |

64

Those who voted in the negative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bevens      | Mr. Hazelton     | Mr. Sager           |
| Mr. Billings    | Mr. Hervey       | Mr. Sears           |
| Mr. M. Brooks   | Mr. Hine         | Mr. A. C. Smith     |
| Mr. L. H. Brown | Mr. Jones        | Mr. Speaker         |
| Mr. Burdick     | Mr. T. R. Lee    | Mr. Strobbridge     |
| Mr. Carpenter   | Mr. M'Key        | Mr. Sweeney         |
| Mr. Collins     | Mr. C. B. Miller | Mr. Thayer          |
| Mr. Comstock    | Mr. S. Miller    | Mr. Van Valkenburgh |
| Mr. Constant    | Mr. Morris       | Mr. Walrath         |
| Mr. Danforth    | Mr. Newkirk      | Mr. Wheeler         |
| Mr. Dickson     | Mr. Niven        | Mr. White           |
| Mr. Fellows     | Mr. Pardee       | Mr. Whitney         |
| Mr. Fonda       | Mr. Pierce       | Mr. Wyckoff         |
| Mr. D. Gould    | Mr. Rogers       |                     |

41

And those who were absent are

|               |                |                     |
|---------------|----------------|---------------------|
| Mr. Bachman   | Mr. Edwards    | Mr. Porter          |
| Mr. Blake     | Mr. Fenn       | Mr. W. Smith        |
| Mr. T. Buel   | Mr. Hall       | Mr. Thompson        |
| Mr. Bush      | Mr. Howard     | Mr. Tutbill         |
| Mr. Cameron   | Mr. Hunt       | Mr. Van Schoonhoven |
| Mr. E. Crosby | Mr. Huntington | Mr. Wells           |
| Mr. Dayton    | Mr. Mann       | Mr. Wilcox          |
| Mr. De Puy    | Mr. Moulton    |                     |

23

Mr. T. R. Lee called for a division of the question.

Whereupon,

The first amendment of the Senate to the said bill was read, in the words following, to wit :

In the tenth line of the first section, strike out "now by law entitled to vote for governor," and insert "who shall be entitled by law to vote at such annual election."

Mr. Speaker put the question whether the House would agree to the said amendment, and it was determined in the affirmative.

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 82 | } |
| { | NAYS   | 24 | } |
| { | ABSENT | 22 | } |

The ayes and nays being required by ten members,

## Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. G. Goold     | Mr. Porter          |
| Mr. Bagg         | Mr. Gregory      | Mr. Preston         |
| Mr. Bailey       | Mr. Hammond      | Mr. Raymond         |
| Mr. Barber       | Mr. Hannum       | Mr. Rice            |
| Mr. Betts        | Mr. Harden       | Mr. Rogers          |
| Mr. Bloss        | Mr. Harris       | Mr. Ross            |
| Mr. Boughton     | Mr. Hazelton     | Mr. Russell         |
| Mr. Bowen        | Mr. Heermans     | Mr. Salisbury       |
| Mr. J. Brooks    | Mr. Horton       | Mr. Searing         |
| Mr. L. H. Brown  | Mr. Jarvis       | Mr. Sherman         |
| Mr. S. A. Brown  | Mr. Johnson      | Mr. Skelton         |
| Mr. A. H. Buell  | Mr. Kinne        | Mr. A. C. Smith     |
| Mr. Bunker       | Mr. Knapp        | Mr. Spring          |
| Mr. Carpenter    | Mr. D. Lee       | Mr. J. Stevenson    |
| Mr. Casner       | Mr. T. R. Lee    | Mr. R. L. Stevenson |
| Mr. Chase        | Mr. Litchfield   | Mr. Sweeney         |
| Mr. Coe          | Mr. Long         | Mr. Tefft           |
| Mr. Constant     | Mr. M'Carthy     | Mr. Tibbits         |
| Mr. Crain        | Mr. M'Donald     | Mr. Titus           |
| Mr. C. F. Crosby | Mr. M'Key        | Mr. Van Valkenburgh |
| Mr. Culver       | Mr. M'Vean       | Mr. Wheeler         |
| Mr. Danforth     | Mr. Mather       | Mr. White           |
| Mr. Dewey        | Mr. Mersereau    | Mr. Worden          |
| Mr. Dickson      | Mr. C. B. Miller | Mr. Wyckoff         |
| Mr. Field        | Mr. Morris       | Mr. Wynant          |
| Mr. Frisbee      | Mr. Morrison     | Mr. A. W. Young     |
| Mr. Garretson    | Mr. Oakley       | Mr. J. Young        |
| Mr. Gifford      |                  |                     |

82

## Those who voted in the negative are

|               |               |              |
|---------------|---------------|--------------|
| Mr. Bevens    | Mr. D. Gould  | Mr. Pierce   |
| Mr. Billings  | Mr. Hervey    | Mr. Sager    |
| Mr. M. Brooks | Mr. Howard    | Mr. Sears    |
| Mr. Burdick   | Mr. Jones     | Mr. W. Smith |
| Mr. Collins   | Mr. S. Miller | Mr. Speaker  |
| Mr. Comstock  | Mr. Newkirk   | Mr. Thayer   |
| Mr. Fellows   | Mr. Niven     | Mr. Walrath  |
| Mr. Fonda     | Mr. Pardee    | Mr. Whitney  |

24

## And those who were absent are

|               |                |                     |
|---------------|----------------|---------------------|
| Mr. Blake     | Mr. Edwards    | Mr. Moulton         |
| Mr. Brower    | Mr. Fenn       | Mr. Strobbridge     |
| Mr. T. Buel   | Mr. Hall       | Mr. Thompson        |
| Mr. Bush      | Mr. Hine       | Mr. Tuthill         |
| Mr. Cameron   | Mr. Hunt       | Mr. Van Schoonhoven |
| Mr. E. Crosby | Mr. Huntington | Mr. Wells           |
| Mr. Dayton    | Mr. Mann       | Mr. Wilcox          |
| Mr. De Puy    |                |                     |

22

The second amendment was then read, in the words following :

At the end of the third section, strike out "as prescribed by law in the election of governor."

Mr. Speaker put the question whether the House would agree to the said amendment, and it was determined in the affirmative.

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 79 | } |
| { | NAYS   | 22 | } |
| { | ABSENT | 27 | } |

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Gifford      | Mr. Oakley          |
| Mr. Bagg         | Mr. G. Goold     | Mr. Porter          |
| Mr. Bailey       | Mr. Gregory      | Mr. Preston         |
| Mr. Barber       | Mr. Hammond      | Mr. Raymond         |
| Mr. Betts        | Mr. Hannum       | Mr. Rice            |
| Mr. Bevens       | Mr. Harden       | Mr. Rogers          |
| Mr. Bloss        | Mr. Harris       | Mr. Ross            |
| Mr. Boughtor.    | Mr. Hazelton     | Mr. Russell         |
| Mr. Bowen        | Mr. Heermans     | Mr. Salisbury       |
| Mr. J. Brooks    | Mr. Horton       | Mr. Searing         |
| Mr. L. H. Brown  | Mr. Jarvis       | Mr. Sherman         |
| Mr. S. A. Brown  | Mr. Johnson      | Mr. Skelton         |
| Mr. A. H. Buell  | Mr. Kinne        | Mr. A. C. Smith     |
| Mr. Bunker       | Mr. Knapp        | Mr. Spring          |
| Mr. Carpenter    | Mr. D. Lee       | Mr. J. Stevenson    |
| Mr. Casner       | Mr. T. R. Lee    | Mr. R. L. Stevenson |
| Mr. Coe          | Mr. Litchfield   | Mr. Sweeney         |
| Mr. Collins      | Mr. Long         | Mr. Tefft           |
| Mr. Crain        | Mr. M'Carthy     | Mr. Tibbits         |
| Mr. C. F. Crosby | Mr. M'Donald     | Mr. Titus           |
| Mr. Culver       | Mr. M'Vean       | Mr. Van Valkenburgh |
| Mr. Danforth     | Mr. Mather       | Mr. Wheeler         |
| Mr. Dewey        | Mr. Mersereau    | Mr. Worden          |
| Mr. Dickson      | Mr. C. B. Miller | Mr. Wyckoff         |
| Mr. Field        | Mr. Morris       | Mr. A. W. Young     |
| Mr. Frisbee      | Mr. Morrison     | Mr. J. Young        |
| Mr. Garretson    |                  |                     |

79

Those who voted in the negative are

|               |               |                |
|---------------|---------------|----------------|
| Mr. Billings  | Mr. Hine      | Mr. Sears      |
| Mr. M. Brooks | Mr. Howard    | Mr. W. Smith   |
| Mr. Burdick   | Mr. Jones     | Mr. Speaker    |
| Mr. Comstock  | Mr. S. Miller | Mr. Strobridge |
| Mr. Fellows   | Mr. Niven     | Mr. Thayer     |
| Mr. Fonda     | Mr. Pardee    | Mr. Walrath    |
| Mr. D. Gould  | Mr. Sager     | Mr. Whitney    |
| Mr. Hervey    |               |                |

22



And those who were absent are

|               |                |                     |
|---------------|----------------|---------------------|
| Mr. Blake     | Mr. De Puy     | Mr. Newkirk         |
| Mr. Brower    | Mr. Edwards    | Mr. Pierce          |
| Mr. T. Buel   | Mr. Fenn       | Mr. Thompson        |
| Mr. Bush      | Mr. Hall       | Mr. Tutbill         |
| Mr. Cameron   | Mr. Hunt       | Mr. Van Schoonhoven |
| Mr. Chase     | Mr. Huntington | Mr. Wells           |
| Mr. Constant  | Mr. M'Key      | Mr. White           |
| Mr. E. Crosby | Mr. Mann       | Mr. Wilcox          |
| Mr. Dayton    | Mr. Moulton    | Mr. Wynant          |

27

The third amendment was read, in the words following :

In the third and fourth lines of the fourth section, strike out " of the absence or inability of the supervisor to serve," and insert " there be no supervisor, or he shall be disabled from attending the board of county canvassers."

Mr. Speaker put the question whether the House would agree to the said amendment, and it was determined in the affirmative.

|   |        |    |
|---|--------|----|
| { | AYES   | 78 |
|   | NAYS   | 23 |
|   | ABSENT | 27 |

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Bachman     | Mr. G. Goold   | Mr. Oakley          |
| Mr. Bagg        | Mr. Gregory    | Mr. Porter          |
| Mr. Bailey      | Mr. Hammond    | Mr. Preston         |
| Mr. Barber      | Mr. Hannum     | Mr. Raymond         |
| Mr. Betts       | Mr. Harris     | Mr. Rice            |
| Mr. Boughton    | Mr. Hazelton   | Mr. Rogers          |
| Mr. Bowen       | Mr. Heermans   | Mr. Ross            |
| Mr. J. Brooks   | Mr. Horton     | Mr. Russell         |
| Mr. S. A. Brown | Mr. Jarvis     | Mr. Salisbury       |
| Mr. A. H. Buell | Mr. Johnson    | Mr. Searing         |
| Mr. Bunker      | Mr. Kinne      | Mr. Sherman         |
| Mr. Carpenter   | Mr. Knapp      | Mr. Skelton         |
| Mr. Casner      | Mr. D. Lee     | Mr. Spring          |
| Mr. Chase       | Mr T. R. Lee   | Mr. J. Stevenson    |
| Mr. Coe         | Mr. Litchfield | Mr. R. L. Stevenson |
| Mr. Collins     | Mr. Long       | Mr. Strobbridge     |
| Mr. Constant    | Mr. M'Carthy   | Mr. Sweeney         |
| Mr. Crain       | Mr. M'Donald   | Mr. Tefft           |
| Mr. Culver      | Mr. M'Key      | Mr. Tibbits         |
| Mr. Danforth    | Mr. M'Vean     | Mr. Titus           |
| Mr. Dewey       | Mr. Mather     | Mr. Van Valkenburgh |
| Mr. Dickson     | Mr. Mersereau  | Mr. White           |

|               |                  |                 |    |
|---------------|------------------|-----------------|----|
| Mr. Field     | Mr. C. B. Miller | Mr. Worden      |    |
| Mr. Frisbee   | Mr. S. Miller    | Mr. Wynant      |    |
| Mr. Garretson | Mr. Morris       | Mr. A. W. Young |    |
| Mr. Gifford   | Mr. Morrison     | Mr. J. Young    | 78 |

Those who voted in the negative are

|               |              |              |    |
|---------------|--------------|--------------|----|
| Mr. Bevens    | Mr. D. Gould | Mr. Sager    |    |
| Mr. Billings  | Mr. Hervey   | Mr. Sears    |    |
| Mr. M. Brooks | Mr. Hine     | Mr. W. Smith |    |
| Mr. Burdick   | Mr. Howard   | Mr. Speaker  |    |
| Mr. Cameron   | Mr. Jones    | Mr. Thayer   |    |
| Mr. Comstock  | Mr. Niven    | Mr. Walrath  |    |
| Mr. Fellows   | Mr. Pardee   | Mr. Whitney  |    |
| Mr. Fonda     | Mr. Pierce   |              | 23 |

And those who were absent are

|                  |                |                     |    |
|------------------|----------------|---------------------|----|
| Mr. Blake        | Mr. De Puy     | Mr. Newkirk         |    |
| Mr. Bloss        | Mr. Edwards    | Mr. A. C. Smith     |    |
| Mr. Brower       | Mr. Fenn       | Mr. Thompson        |    |
| Mr. L. H. Brown  | Mr. Hall       | Mr. Tuthill         |    |
| Mr. T. Buel      | Mr. Harden     | Mr. Van Schoonhoven |    |
| Mr. Bush         | Mr. Hunt       | Mr. Wells           |    |
| Mr. C. F. Crosby | Mr. Huntington | Mr. Wheeler         |    |
| Mr. E. Crosby    | Mr. Mann       | Mr. Wilcox          |    |
| Mr. Dayton       | Mr. Moulton    | Mr. Wyckoff         | 27 |

The fourth amendment was read, in the words following :

In the fourth line of the fourth section, strike out "the assessor," and insert "one of the assessors."

Mr. Speaker put the question whether the House would agree to the said amendment, and it was determined in the affirmative.

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 80 | } |
| { | NAYS   | 22 | } |
| { | ABSENT | 26 | } |

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|              |               |              |
|--------------|---------------|--------------|
| Mr. Bachman  | Mr. Garretson | Mr. Morrison |
| Mr. Bagg     | Mr. Gifford   | Mr. Oakley   |
| Mr. Bailey   | Mr. G. Goold  | Mr. Porter   |
| Mr. Barber   | Mr. Gregory   | Mr. Preston  |
| Mr. Betts    | Mr. Hammond   | Mr. Raymond  |
| Mr. Bevens   | Mr. Hannum    | Mr. Rice     |
| Mr. Bloss    | Mr. Harris    | Mr. Rogers   |
| Mr. Boughton | Mr. Hazelton  | Mr. Ross     |

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bowen       | Mr. Heermans     | Mr. Russell         |
| Mr. J. Brooks   | Mr. Horton       | Mr. Salisbury       |
| Mr. L. H. Brown | Mr. Howard       | Mr. Searing         |
| Mr. S. A. Brown | Mr. Jarvis       | Mr. Sherman         |
| Mr. A. H. Buell | Mr. Johnson      | Mr. Skelton         |
| Mr. Bunker      | Mr. Kinne        | Mr. J. Stevenson    |
| Mr. Carpenter   | Mr. Knapp        | Mr. R. L. Stevenson |
| Mr. Casner      | Mr. D. Lee       | Mr. Sweeney         |
| Mr. Chase       | Mr. T. R. Lee    | Mr. Tefft           |
| Mr. Coe         | Mr. Litchfield   | Mr. Titus           |
| Mr. Collins     | Mr. Long         | Mr. Van Valkenburgh |
| Mr. Constant    | Mr. M'Carthy     | Mr. Wheeler         |
| Mr. Crain       | Mr. M'Donald     | Mr. White           |
| Mr. Culver      | Mr. M'Key        | Mr. Worden          |
| Mr. Danforth    | Mr. M'Vean       | Mr. Wyckoff         |
| Mr. Dewey       | Mr. Mather       | Mr. Wynant          |
| Mr. Dickson     | Mr. Mersereau    | Mr. A. W. Young     |
| Mr. Field       | Mr. C. B. Miller | Mr. J. Young        |
| Mr. Frisbee     | Mr. Morris       |                     |

80

Those who voted in the negative are

|               |               |                |
|---------------|---------------|----------------|
| Mr. Billings  | Mr. Hervey    | Mr. Sears      |
| Mr. M. Brooks | Mr. Hine      | Mr. W. Smith   |
| Mr. Burdick   | Mr. Jones     | Mr. Speaker    |
| Mr. Cameron   | Mr. S. Miller | Mr. Strobridge |
| Mr. Comstock  | Mr. Niven     | Mr. Thayer     |
| Mr. Fellows   | Mr. Pardee    | Mr. Walrath    |
| Mr. Fonda     | Mr. Sager     | Mr. Whitney    |
| Mr. D. Gould  |               |                |

22

And those who were absent are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Blake        | Mr. Fenn       | Mr. A. C. Smith     |
| Mr. Brower       | Mr. Hall       | Mr. Spring          |
| Mr. T. Buel      | Mr. Harden     | Mr. Thompson        |
| Mr. Bush         | Mr. Hunt       | Mr. Tibbits         |
| Mr. C. F. Crosby | Mr. Huntington | Mr. Tuthill         |
| Mr. E. Crosby    | Mr. Mann       | Mr. Van Schoonhoven |
| Mr. Dayton       | Mr. Moulton    | Mr. Wells           |
| Mr. De Puy       | Mr. Newkirk    | Mr. Wilcox          |
| Mr. Edwards      | Mr. Pierce     |                     |

26

Mr. T. R. Lee then withdrew his call for a division of the question.

On motion of Mr. Wheeler,

The eighth amendment of the Senate to the said bill was read, in the words following, to wit :

Strike out all of the seventh section, after "assembly" in the eighth line.

Mr. Speaker put the question whether the House would agree to the said amendment, and it was determined in the affirmative.

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 73 | } |
|   | NAYS   | 32 |   |
|   | ABSENT | 23 |   |

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. Gifford      | Mr. Morrison        |
| Mr. Bagg        | Mr. G. Goold     | Mr. Oakley          |
| Mr. Bailey      | Mr. Gregory      | Mr. Porter          |
| Mr. Barber      | Mr. Hammond      | Mr. Preston         |
| Mr. Betts       | Mr. Hannun       | Mr. Raymond         |
| Mr. Boughton    | Mr. Harden       | Mr. Rogers          |
| Mr. Bowen       | Mr. Hazelton     | Mr. Ross            |
| Mr. J. Brooks   | Mr. Heermans     | Mr. Russell         |
| Mr. L. H. Brown | Mr. Horton       | Mr. Salisbury       |
| Mr. S. A. Brown | Mr. Jarvis       | Mr. Searing         |
| Mr. A. H. Buell | Mr. Johnson      | Mr. Sherman         |
| Mr. Bunker      | Mr. Kinne        | Mr. Skelton         |
| Mr. Carpenter   | Mr. Knapp        | Mr. A. C. Smith     |
| Mr. Casner      | Mr. D. Lee       | Mr. Spring          |
| Mr. Chase       | Mr. T. R. Lee    | Mr. J. Stevenson    |
| Mr. Coe         | Mr. Litchfield   | Mr. R. L. Stevenson |
| Mr. Collins     | Mr. Long         | Mr. Strobbridge     |
| Mr. Constant    | Mr. M'Carthy     | Mr. Sweeney         |
| Mr. Crain       | Mr. M'Key        | Mr. Tefft           |
| Mr. Culver      | Mr. M'Vean       | Mr. Tibbits         |
| Mr. Danforth    | Mr. Mersereau    | Mr. Titus           |
| Mr. Dewey       | Mr. C. B. Miller | Mr. Worden          |
| Mr. Field       | Mr. S. Miller    | Mr. A. W. Young     |
| Mr. Frisbee     | Mr. Morris       | Mr. J. Young        |
| Mr. Garretson   |                  |                     |

73

Those who voted in the negative are

|                  |              |                     |
|------------------|--------------|---------------------|
| Mr. Bevens       | Mr. Harris   | Mr. Sager           |
| Mr. Billings     | Mr. Hervey   | Mr. Sears           |
| Mr. Bloss        | Mr. Hine     | Mr. Thayer          |
| Mr. M. Brooks    | Mr. Howard   | Mr. Van Valkenburgh |
| Mr. Burdick      | Mr. Jones    | Mr. Walrath         |
| Mr. Cameron      | Mr. M'Donald | Mr. Wheeler         |
| Mr. Comstock     | Mr. Mather   | Mr. White           |
| Mr. C. F. Crosby | Mr. Newkirk  | Mr. Whitney         |
| Mr. Fellows      | Mr. Niven    | Mr. Wyckoff         |
| Mr. Fonda        | Mr. Pierce   | Mr. Wynant          |
| Mr. D. Gould     | Mr. Rice     |                     |

32



And those who were absent are

|               |                |                     |
|---------------|----------------|---------------------|
| Mr. Blake     | Mr. Edwards    | Mr. W. Smith        |
| Mr. Brower    | Mr. Fenn       | Mr. Speaker         |
| Mr. T. Buel   | Mr. Hall       | Mr. Thompson        |
| Mr. Bush      | Mr. Hunt       | Mr. Tuthill         |
| Mr. E. Crosby | Mr. Huntington | Mr. Van Schoonhoven |
| Mr. Dayton    | Mr. Mann       | Mr. Wells           |
| Mr. De Puy    | Mr. Moulton    | Mr. Wilcox          |
| Mr. Dickson   | Mr. Pardee     |                     |

23

Mr. Speaker then put the question whether the House would agree to the remaining amendments of the Senate to the said bill, and it was determined in the affirmative.

|   |        |    |
|---|--------|----|
| { | AYES   | 78 |
|   | NAYS   | 28 |
|   | ABSENT | 22 |

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Garretson    | Mr. Oakley          |
| Mr. Bagg         | Mr. Gifford      | Mr. Porter          |
| Mr. Bailey       | Mr. G. Goold     | Mr. Raymond         |
| Mr. Barber       | Mr. Gregory      | Mr. Rice            |
| Mr. Betts        | Mr. Hammond      | Mr. Rogers          |
| Mr. Bloss        | Mr. Hannum       | Mr. Ross            |
| Mr. Boughton     | Mr. Harris       | Mr. Russell         |
| Mr. Bowen        | Mr. Hazelton     | Mr. Salisbury       |
| Mr. J. Brooks    | Mr. Heermans     | Mr. Searing         |
| Mr. L. H. Brown  | Mr. Horton       | Mr. Sherman         |
| Mr. S. A. Brown  | Mr. Johnson      | Mr. Skelton         |
| Mr. A. H. Buell  | Mr. Kinne        | Mr. A. C. Smith     |
| Mr. Bunker       | Mr. Knapp        | Mr. Spring          |
| Mr. Casner       | Mr. D. Lee       | Mr. J. Stevenson    |
| Mr. Chase        | Mr. T. R. Lee    | Mr. R. L. Stevenson |
| Mr. Coe          | Mr. Litchfield   | Mr. Sweeney         |
| Mr. Collins      | Mr. Long         | Mr. Tefft           |
| Mr. Constant     | Mr. M'Carthy     | Mr. Tibbits         |
| Mr. Crain        | Mr. M'Donald     | Mr. Titus           |
| Mr. C. F. Crosby | Mr. M'Key        | Mr. Tuthill         |
| Mr. Culver       | Mr. M'Vean       | Mr. Wheeler         |
| Mr. Danforth     | Mr. Mather       | Mr. Worden          |
| Mr. Dewey        | Mr. Mersereau    | Mr. Wyckoff         |
| Mr. Dickson      | Mr. C. B. Miller | Mr. Wynant          |
| Mr. Field        | Mr. Morris       | Mr. A. W. Young     |
| Mr. Frisbee      | Mr. Morrison     | Mr. J. Young        |

78

Those who voted in the negative are

|               |               |                     |
|---------------|---------------|---------------------|
| Mr. Bevens    | Mr. Hervey    | Mr. Sager           |
| Mr. Billings  | Mr. Hine      | Mr. Sears           |
| Mr. M. Brooks | Mr. Howard    | Mr. Speaker         |
| Mr. Brower    | Mr. Jarvis    | Mr. Strobbridge     |
| Mr. Burdick   | Mr. Jones     | Mr. Thayer          |
| Mr. Cameron   | Mr. S. Miller | Mr. Van Valkenburgh |
| Mr. Comstock  | Mr. Newkirk   | Mr. Walrath         |
| Mr. Fellows   | Mr. Niven     | Mr. White           |
| Mr. Fonda     | Mr. Pierce    | Mr. Whitney         |
| Mr. D. Gould  |               |                     |

28

And those who were absent are

|               |                |                     |
|---------------|----------------|---------------------|
| Mr. Blake     | Mr. Fenn       | Mr. Pardee          |
| Mr. T. Buel   | Mr. Hall       | Mr. Preston         |
| Mr. Bush      | Mr. Harden     | Mr. W. Smith        |
| Mr. Carpenter | Mr. Hunt       | Mr. Thompson        |
| Mr. E. Crosby | Mr. Huntington | Mr. Van Schoonhoven |
| Mr. Dayton    | Mr. Mann       | Mr. Wells           |
| Mr. De Puy    | Mr. Moulton    | Mr. Wilcox          |
| Mr. Edwards   |                |                     |

22

Mr. T. R. Lee moved a reconsideration of the last mentioned vote.

Debates were had thereon ; when

Mr. J. Young called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Whereupon,

Mr. Speaker put the question whether the House would agree to the said motion of Mr. T. R. Lee, and it was determined in the negative.

On motion of Mr. C. F. Crosby,

The House then adjourned to nine o'clock to-morrow morning.

## TUESDAY, MAY 13, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Fisher.

By unanimous consent, on motion of Mr. Oakley, the reading of the minutes of yesterday was dispensed with.

The petition of sundry inhabitants of the county of Monroe, relative to released convicts, was read, and referred to the committee on state prisons.

The petition of sundry inhabitants of the county of Otsego, praying for the passage of an act to authorise the Supreme Court to change the venue in certain cases, was read, and referred to the committee on the judiciary.

The following bills were returned from the Senate, to wit :

"An act to incorporate the Williamsburgh Lyceum ;" and

"An act to incorporate the village of Canton."

*Ordered*, That the Clerk deliver the said bills to the Governor.

A message from the Senate, with the bills therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act authorising the inhabitants of Littlefalls to borrow money ;" the bill entitled "An act to confirm the official acts of Philip Lazell, a justice of the peace ;" the bill entitled "An act to change the names of Stewart Skillman and Sarah Lisenard Skillman ;" the bill entitled "An act in relation to stocks in monied corporations, held by the State, or by literary or charitable institutions ;" the bill entitled "An act to improve the post-road running from the Elephant hotel in the town of Somers, to the village of Peekskill ;" and the bill entitled "An act to change the name of Edwin Lucian Cady," severally without amendment.

*Ordered*, That the Clerk deliver the said bills to the Governor.

A message from the Senate was received and read, informing that they had rejected the bill therewith returned, entitled "An act to incorporate a fire company at Mattewan in the county of Dutchess."

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act for the relief of William Coleman, Abiel West and Joseph Taylor," with the accompanying amendments.

The said amendments having been read,

*Ordered*, That the said bill and amendments be referred to the committee on canals.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act to incorporate the Farmers' Mutual Insurance Company of Sherburne," with the accompanying amendments.

The said amendments having been read,

*Ordered*, That the said bill and amendments be referred to the committee on banks and insurance companies.

Mr. Coe, from the committee on canals, to which was referred the bill from the Senate, entitled "An act for the relief of William Coleman, Abiel West and Joseph Taylor," with the amendments of the Senate thereto, reported, that the committee had examined the said amendments, and recommend that the House concur therein.

The said amendments having been read,

Mr. Speaker put the question whether the House would concur with the Senate in their amendments to the said bill, and it was determined in the affirmative.

*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred with them in the said amendments, and amended the bill accordingly.

Mr. Ross, from the committee on the incorporation of cities and villages, to which was referred the bill from the Senate, entitled "An act authorising the people of the city of Troy to elect certain officers in said city," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill do have its third reading.

Mr. Tefft, from the committee on claims, to which was referred the petition of William P. Mansfield and others, reported unfavorably to the prayer of the petitioners, and offered the following resolution, to wit :

*Resolved*, That the committee on claims be discharged from the further consideration of the petition of William P. Mansfield and others.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Bowen, from the committee on state prisons, to which was referred the petition of sundry inhabitants of the city of Buffalo, praying for the passage of a law to grant relief to the indigent families of convicts, reported unfavorably to the prayer of the said petitioners, and offered the following resolution, to wit :

*Resolved*, That the committee on state prisons be discharged from the consideration of the petition for the passage of a law for the relief of indigent families, the heads of which have been sent to State prison.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Bowen, from the committee on state prisons, to which was referred the petition of sundry inhabitants of the county of Monroe, in relation to discharged convicts, reported unfavorably to the prayer of the petitioners, and offered the following resolution, to wit :

*Resolved*, That the committee on state prisons be discharged from the consideration of the petition for the passage of a law for the relief of indigent persons discharged from the State prisons.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which were referred several petitions and remonstrances relative to the extension of the water limits of the city of New-York, offered the following resolution, to wit :

*Resolved*, That the committee on the internal affairs of towns and



counties be discharged from the consideration of the petitions for an extension of the water limits of the city of New-York.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
Albany, May 10, 1845. }

TO THE ASSEMBLY.

I have this day approved and signed the bill entitled "An act for the relief of William Vandervoort."

The bill entitled "An act to amend an act entitled 'An act to incorporate the Albany Medical College,' passed February 16th, 1839."

The bill entitled "An act for the relief of Evert Yates."

The bill entitled "An act to amend the act to incorporate the village of Chittenango, passed March 15th, 1842."

The bill entitled "An act to amend an act entitled 'An act to incorporate the Greenhill Wharf Company,' passed April 20th, 1830."

And the bill entitled "An act to incorporate the trustees and associates of the Brooklyn Benevolent Society."

SILAS WRIGHT.

By unanimous consent, on motion of Mr. Tefft,  
*Resolved*, That the usual number of copies of the digest of claims be printed for the use of the Legislature.

[See Document No. 252.]

The engrossed bill from the Senate, entitled "An act in relation to the municipal court of the city of Brooklyn," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill from the Senate, entitled "An act for the relief of the trustees of school district number eleven in the town of Otselec, Chenango county," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill from the Senate, entitled "An act in relation to the Marine Hospital and its funds," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill from the Senate, entitled "An act for the final settlement of the accounts of John R. Brodhead, agent for procuring colonial documents," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill from the Senate, entitled "An act in relation to the estate of William D. Ross deceased, late of Essex in the county of Essex in this State," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill from the Senate, entitled "An act for the relief of John W. Wyckoff," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill from the Senate, entitled "An act in relation to the members of fire companies and hook and ladder companies," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill from the Senate, entitled "An act to prevent the disturbance of evening schools in the several school district houses in this State," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill from the Senate, entitled "An act to incorporate the German Lutheran Missionary Society of New-York," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |
|---|--------|----|
| { | AYES   | 87 |
| { | NAYS   | 00 |
| { | ABSENT | 41 |

Those who voted in the affirmative are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Bailey      | Mr. Gifford    | Mr. Pierce          |
| Mr. Barber      | Mr. D. Gould   | Mr. Porter          |
| Mr. Betts       | Mr. G. Goold   | Mr. Raymond         |
| Mr. Bevins      | Mr. Hannum     | Mr. Rice            |
| Mr. Billings    | Mr. Harden     | Mr. Rogers          |
| Mr. Blake       | Mr. Hazelton   | Mr. Ross            |
| Mr. Bloss       | Mr. Hervey     | Mr. Russell         |
| Mr. Boughton    | Mr. Hine       | Mr. Sager           |
| Mr. Bowen       | Mr. Hunt       | Mr. Salisbury       |
| Mr. J. Brooks   | Mr. Jarvis     | Mr. Searing         |
| Mr. M. Brooks   | Mr. Johnson    | Mr. Sears           |
| Mr. S. A. Brown | Mr. Kinne      | Mr. Sherman         |
| Mr. A. H. Buell | Mr. Knapp      | Mr. Skelton         |
| Mr. Bush        | Mr. D. Lee     | Mr. W. Smith        |
| Mr. Cameron     | Mr. T. R. Lee  | Mr. J. Stevenson    |
| Mr. Carpenter}  | Mr. Litchfield | Mr. R. L. Stevenson |
| Mr. Casner      | Mr. Long       | Mr. Strobbridge     |
| Mr. Chase       | Mr. M'Carthy   | Mr. Sweeney         |
| Mr. Collins     | Mr. M'Donald   | Mr. Tefft           |
| Mr. Constant    | Mr. M'Key      | Mr. Titus           |
| Mr. Culver      | Mr. M'Vean     | Mr. Tutthill        |
| Mr. Danforth    | Mr. Mersereau  | Mr. Van Valkenburgh |
| Mr. Dewey       | Mr. S. Miller  | Mr. Walrath         |
| Mr. Edwards     | Mr. Morris     | Mr. Wheeler         |
| Mr. Fellows     | Mr. Morrison   | Mr. Wilcox          |
| Mr. Fenn        | Mr. Moulton    | Mr. Wyckoff         |
| Mr. Field       | Mr. Niven      | Mr. Wynant          |
| Mr. Fonda       | Mr. Oakley     | Mr. A. W. Young     |
| Mr. Frisbee     | Mr. Pardee     | Mr. J. Young        |

## And those who were absent are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Dickson      | Mr. Newkirk         |
| Mr. Bagg         | Mr. Garretson    | Mr. Preston         |
| Mr. Brower       | Mr. Gregory      | Mr. A. C. Smith     |
| Mr. L. H. Brown  | Mr. Hall         | Mr. Speaker         |
| Mr. T. Buel      | Mr. Hammond      | Mr. Spring          |
| Mr. Bunker       | Mr. Harris       | Mr. Thayer          |
| Mr. Burdick      | Mr. Heermans     | Mr. Thompson        |
| Mr. Coe          | Mr. Horton       | Mr. Tibbits         |
| Mr. Comstock     | Mr. Howard       | Mr. Van Schoonhoven |
| Mr. Crain        | Mr. Huntington   | Mr. Wells           |
| Mr. C. F. Crosby | Mr. Jones        | Mr. White           |
| Mr. E. Crosby    | Mr. Mann         | Mr. Whitney         |
| Mr. Dayton       | Mr. Mather       | Mr. Worden          |
| Mr. De Puy       | Mr. C. B. Miller |                     |

41

*Ordered*, That the Clerk return the said bills to the Senate, and inform them that the Assembly have passed the same severally without amendment.

By unanimous consent,

Mr. D. Lee, from the committee on agriculture, to which was referred the petition for an appropriation of fifty thousand dollars, to establish an agricultural college in the vicinity of the city of New-York, reported, that the committee have had the subject under consideration, and come to the conclusion that the time has not yet arrived, when so large an appropriation of the public money, for the purpose named, will meet with the general approbation of the people of the State; and they ask to be discharged from the further consideration of the subject.

Mr. Speaker put the question whether the House would grant the request of the said committee, and it was determined in the affirmative.

By unanimous consent,

Mr. Sweeney offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, (if the Senate concur,) That the tenth joint rule be suspended, to allow the bill entitled "An act to amend an act entitled 'An act in relation to the Natural History of New-York,'" and the bill entitled "An act to incorporate the Wilson Academy," to be sent to the Senate for concurrence.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

*Ordered*, That the Clerk deliver the said resolution to the Senate, and request their concurrence in the same.

The engrossed bill from the Senate, entitled "An act to authorise the supervisors of Montgomery county to lay a tax upon the town of Palatine," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill from the Senate, entitled "An act to facilitate the construction of Morse's electro-magnetic telegraph," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill from the Senate, entitled "An act in relation to the receiver of the Miller's Bank of New-York at Clyde," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill from the Senate, entitled "An act in relation to judgments upon recognizances filed with the county clerk of the city and county of New-York," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill from the Senate, entitled "An act in relation to liens created by the several acts for the better security of mechanics and others erecting buildings and furnishing materials therefor," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill from the Senate, entitled "An act to allow transcripts of justice's judgments to be transferred from one county to another, and, when so transferred, to be a lien on real estate," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill from the Senate, entitled "An act providing for the distribution of copies of the general index of the documents and laws of the State, and the census of the United States," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill from the Senate, entitled "An act to amend an act relating to district schools of the city of Albany, passed April 8, 1844," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill from the Senate, entitled "An act relating to bail in the Court of Chancery, and for other purposes," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill from the Senate, entitled "An act to preserve certain waters from the effects of gas, tar, and the refuse of gashouses and factories," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill from the Senate, entitled "An act to incorporate the Greenville and Pottershollow Turnpike Road Company," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 95 | } |
| { | NAYS   | 00 | } |
| { | ABSENT | 33 | } |

Those who voted in the affirmative are



|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Gregory      | Mr. Rice            |
| Mr. Barber       | Mr. Hammond      | Mr. Ross            |
| Mr. Betts        | Mr. Hannum       | Mr. Russell         |
| Mr. Bevens       | Mr. Harden       | Mr. Sager           |
| Mr. Billings     | Mr. Harris       | Mr. Salisbury       |
| Mr. Blake        | Mr. Hazelton     | Mr. Searing         |
| Mr. Boughton     | Mr. Hervey       | Mr. Sherman         |
| Mr. Bowen        | Mr. Hine         | Mr. Skelton         |
| Mr. J. Brooks    | Mr. Horton       | Mr. A. C. Smith     |
| Mr. M. Brooks    | Mr. Hunt         | Mr. W. Smith        |
| Mr. Brower       | Mr. Johnson      | Mr. Speaker         |
| Mr. L. H. Brown  | Mr. Jones        | Mr. Spring          |
| Mr. S. A. Brown  | Mr. Kinne        | Mr. J. Stevenson    |
| Mr. Carpenter    | Mr. Knapp        | Mr. R. L. Stevenson |
| Mr. Casner       | Mr. D. Lee       | Mr. Strobridge      |
| Mr. Chase        | Mr. T. R. Lee    | Mr. Sweeney         |
| Mr. Collins      | Mr. Litchfield   | Mr. Tefft           |
| Mr. Constant     | Mr. M'Donald     | Mr. Thayer          |
| Mr. C. F. Crosby | Mr. M'Key        | Mr. Thompson        |
| Mr. Culver       | Mr. M'Vean       | Mr. Tibbits         |
| Mr. Danforth     | Mr. Mersereau    | Mr. Titus           |
| Mr. Dewey        | Mr. C. B. Miller | Mr. Tutbill         |
| Mr. Edwards      | Mr. S. Miller    | Mr. Van Valkenburgh |
| Mr. Fellows      | Mr. Morrison     | Mr. Walrath         |
| Mr. Fenn         | Mr. Moulton      | Mr. White           |
| Mr. Field        | Mr. Newkirk      | Mr. Whitney         |
| Mr. Fonda        | Mr. Oakley       | Mr. Wilcox          |
| Mr. Frisbee      | Mr. Pardee       | Mr. Wyckoff         |
| Mr. Garretson    | Mr. Pierce       | Mr. Wynant          |
| Mr. Gifford      | Mr. Porter       | Mr. A. W. Young     |
| Mr. D. Gould     | Mr. Preston      | Mr. J. Young        |
| Mr. G. Goold     | Mr. Raymond      |                     |

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And those who were absent are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Bagg        | Mr. Crain      | Mr. M'Carthy        |
| Mr. Bailey      | Mr. E. Crosby  | Mr. Mann            |
| Mr. Bloss       | Mr. Dayton     | Mr. Mather          |
| Mr. A. H. Buell | Mr. De Puy     | Mr. Morris          |
| Mr. T. Buel     | Mr. Dickson    | Mr. Niven           |
| Mr. Bunker      | Mr. Hall       | Mr. Rogers          |
| Mr. Burdick     | Mr. Heermans   | Mr. Sears           |
| Mr. Bush        | Mr. Howard     | Mr. Van Schoonhoven |
| Mr. Cameron     | Mr. Huntington | Mr. Wells           |
| Mr. Coe         | Mr. Jarvis     | Mr. Wheeler         |
| Mr. Comstock    | Mr. Long       | Mr. Worden          |

33

The engrossed bill from the Senate, entitled "An act to incorporate the Pratsville and Gilboa Turnpike Company," was read the third time.

Mr. Speaker put the question whether the House would agree to the

final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 92 | } |
| { | NAYS   | 00 | } |
| { | ABSENT | 36 | } |

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. D. Gould     | Mr. Preston         |
| Mr. Barber       | Mr. G. Gould     | Mr. Raymond         |
| Mr. Betts        | Mr. Gregory      | Mr. Rice            |
| Mr. Bevens       | Mr. Hammond      | Mr. Ross            |
| Mr. Billings     | Mr. Hannum       | Mr. Sager           |
| Mr. Blake        | Mr. Harden       | Mr. Salisbury       |
| Mr. Boughton     | Mr. Harris       | Mr. Searing         |
| Mr. Bowen        | Mr. Hazelton     | Mr. Sherman         |
| Mr. J. Brooks    | Mr. Hervey       | Mr. A. C. Smith     |
| Mr. M. Brooks    | Mr. Hine         | Mr. W. Smith        |
| Mr. L. H. Brown  | Mr. Horton       | Mr. Speaker         |
| Mr. S. A. Brown  | Mr. Hunt         | Mr. Spring          |
| Mr. A. H. Buell  | Mr. Jarvis       | Mr. J. Stevenson    |
| Mr. Burdick      | Mr. Jones        | Mr. R. L. Stevenson |
| Mr. Carpenter    | Mr. Kinne        | Mr. Strobbridge     |
| Mr. Casner       | Mr. Knapp        | Mr. Sweeney         |
| Mr. Chase        | Mr. D. Lee       | Mr. Tefft           |
| Mr. Collins      | Mr. T. R. Lee    | Mr. Thayer          |
| Mr. C. F. Crosby | Mr. Litchfield   | Mr. Thompson        |
| Mr. Culver       | Mr. M'Donald     | Mr. Tibbits         |
| Mr. Danforth     | Mr. M'Key        | Mr. Tuthill         |
| Mr. Dewey        | Mr. M'Vean       | Mr. Walrath         |
| Mr. Dickson      | Mr. Mather       | Mr. Wheeler         |
| Mr. Edwards      | Mr. Mersereau    | Mr. White           |
| Mr. Fellows      | Mr. C. B. Miller | Mr. Whitney         |
| Mr. Fenn         | Mr. Moulton      | Mr. Wilcox          |
| Mr. Field        | Mr. Newkirk      | Mr. Wyckoff         |
| Mr. Fonda        | Mr. Oakley       | Mr. Wynant          |
| Mr. Frisbee      | Mr. Pardee       | Mr. A. W. Young     |
| Mr. Garietson    | Mr. Pierce       | Mr. J. Young        |
| Mr. Gifford      | Mr. Porter       |                     |

92

And those who were absent are

|             |               |              |
|-------------|---------------|--------------|
| Mr. Bagg    | Mr. E. Crosby | Mr. Morris   |
| Mr. Bailey  | Mr. Dayton    | Mr. Morrison |
| Mr. Bloss   | Mr. De Puy    | Mr. Niven    |
| Mr. Brower  | Mr. Hall      | Mr. Rogers   |
| Mr. T. Buel | Mr. Heermans  | Mr. Russell  |
| Mr. Bunker  | Mr. Howard    | Mr. Sears    |

|              |                |                     |
|--------------|----------------|---------------------|
| Mr. Bush     | Mr. Huntington | Mr. Skelton         |
| Mr. Cameron  | Mr. Johnson    | Mr. Titus           |
| Mr. Coe      | Mr. Long       | Mr. Van Schoonhoven |
| Mr. Comstock | Mr. M'Carthy   | Mr. Van Valkenburgh |
| Mr. Constant | Mr. Mann       | Mr. Wells           |
| Mr. Crain    | Mr. S. Miller  | Mr. Worden          |

33

*Ordered*, That the Clerk return the said bills to the Senate, and inform them that the Assembly have passed the same.

Mr. Carpenter, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act in relation to teacher's institutes, for the instruction of teachers of common schools," and found the same correctly engrossed.

*Ordered*, That the said bill do have its third reading.

The engrossed bill from the Senate, entitled "An act to amend the Revised Statutes, relating to the distribution of the assets of a person dying intestate," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

By unanimous consent,

Mr. A. H. Buell, from the committee on banks and insurance companies, to which was referred the bill entitled "An act to incorporate the Farmers' Mutual Insurance Company of Sherburne," with the amendments of the Senate thereto, reported, that the committee had examined the said amendments, and recommend that the House concur therein.

The said amendments having been read,

Mr. Speaker put the question whether the House would concur with the Senate in their amendments to the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 90 | } |
| { | NAYS   | 00 | } |
| { | ABSENT | 38 | } |

Those who voted in the affirmative are

|                 |              |                 |
|-----------------|--------------|-----------------|
| Mr. Bachman     | Mr. D. Gould | Mr. Pardee      |
| Mr. Barber      | Mr. G. Goold | Mr. Pierce      |
| Mr. Betts       | Mr. Gregory  | Mr. Porter      |
| Mr. Bevins      | Mr. Hammond  | Mr. Raymond     |
| Mr. Blake       | Mr. Hannum   | Mr. Rogers      |
| Mr. Bloss       | Mr. Harden   | Mr. Sager       |
| Mr. Boughton    | Mr. Harris   | Mr. Salisbury   |
| Mr. Bowen       | Mr. Hazelton | Mr. Searing     |
| Mr. J. Brooks   | Mr. Hervey   | Mr. Sears       |
| Mr. M. Brooks   | Mr. Hine     | Mr. Sherman     |
| Mr. L. H. Brown | Mr. Horton   | Mr. Skelton     |
| Mr. S. A. Brown | Mr. Hunt     | Mr. A. C. Smith |

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. A. H. Buell  | Mr. Huntington   | Mr. W. Smith        |
| Mr. Burdick      | Mr. Jarvis       | Mr. Speaker         |
| Mr. Cameron      | Mr. Johnson      | Mr. Spring          |
| Mr. Carpenter    | Mr. Jones        | Mr. J. Stevenson    |
| Mr. Casner       | Mr. Kinne        | Mr. R. L. Stevenson |
| Mr. Chase        | Mr. Knapp        | Mr. Strobbridge     |
| Mr. C. F. Crosby | Mr. D. Lee       | Mr. Sweeney         |
| Mr. Culver       | Mr T. R. Lee     | Mr. Thayer          |
| Mr. Danforth     | Mr. Litchfield   | Mr. Thompson        |
| Mr. Dewey        | Mr. M'Carthy     | Mr. Tibbits         |
| Mr. Dickson      | Mr. M'Donald     | Mr. Walrath         |
| Mr. Edwards      | Mr. M'Vean       | Mr. Wheeler         |
| Mr. Fellows      | Mr. Mersereau    | Mr. White           |
| Mr. Fenn         | Mr. C. B. Miller | Mr. Wilcox          |
| Mr. Field        | Mr. Morris       | Mr. Wyckoff         |
| Mr. Fonda        | Mr. Morrison     | Mr. Wynant          |
| Mr. Garretson    | Mr. Moulton      | Mr. A. W. Young     |
| Mr. Gifford      | Mr. Oakley       | Mr. J. Young        |

90

And those who were absent are

|               |               |                     |
|---------------|---------------|---------------------|
| Mr. Bagg      | Mr. Dayton    | Mr. Preston         |
| Mr. Bailey    | Mr. De Puy    | Mr. Rice            |
| Mr. Billings  | Mr. Frisbee   | Mr. Ross            |
| Mr. Brower    | Mr. Hall      | Mr. Russell         |
| Mr. T. Buel   | Mr. Heermans  | Mr. Tefft           |
| Mr. Bunker    | Mr. Howard    | Mr. Titus           |
| Mr. Bush      | Mr. Long      | Mr. Tuthill         |
| Mr. Coe       | Mr. M'Key     | Mr. Van Schoonhoven |
| Mr. Collins   | Mr. Mann      | Mr. Van Valkenburgh |
| Mr. Comstock  | Mr. Mather    | Mr. Wells           |
| Mr. Constant  | Mr. S. Miller | Mr. Whitney         |
| Mr. Crain     | Mr. Newkirk   | Mr. Worden          |
| Mr. E. Crosby | Mr. Niven     |                     |

38

*Ordered,* That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred with them in the said amendments, and amended the bill accordingly.

By unanimous consent,

Mr. A. H. Buell, from the committee on banks and insurance companies, to which was referred the bill entitled "An act to amend an act passed May 4th, 1840, for the redemption of bank notes," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered,* That the said bill be laid on the table.

The engrossed bill from the Senate, entitled "An act to incorporate the Freeman's Hall Association of the city of Brooklyn," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative,



two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 92 | } |
|   | NAYS   | 00 |   |
|   | ABSENT | 36 |   |

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Gifford      | Mr. Oakley          |
| Mr. Barber       | Mr. D. Gould     | Mr. Pardee          |
| Mr. Betts        | Mr. G. Goold     | Mr. Rice            |
| Mr. Bevins       | Mr. Gregory      | Mr. Ross            |
| Mr. Blake        | Mr. Hammond      | Mr. Russell         |
| Mr. Bloss        | Mr. Hannum       | Mr. Sager           |
| Mr. Boughton     | Mr. Harden       | Mr. Salisbury       |
| Mr. Bowen        | Mr. Hazelton     | Mr. Searing         |
| Mr. J. Brooks    | Mr. Hervey       | Mr. Sears           |
| Mr. M. Brooks    | Mr. Hine         | Mr. Sherman         |
| Mr. Brower       | Mr. Huntington   | Mr. Skelton         |
| Mr. L. H. Brown  | Mr. Jarvis       | Mr. A. C. Smith     |
| Mr. S. A. Brown  | Mr. Johnson      | Mr. W. Smith        |
| Mr. A. H. Buell  | Mr. Jones        | Mr. Speaker         |
| Mr. Burdick      | Mr. Kinne        | Mr. Spring          |
| Mr. Bush         | Mr. Knapp        | Mr. J. Stevenson    |
| Mr. Casner       | Mr. D. Lee       | Mr. R. L. Stevenson |
| Mr. Chase        | Mr. T. R. Lee    | Mr. Strobbridge     |
| Mr. Collins      | Mr. Litchfield   | Mr. Sweeney         |
| Mr. Comstock     | Mr. Long         | Mr. Tefft           |
| Mr. Constant     | Mr. M'Carthy     | Mr. Thayer          |
| Mr. C. F. Crosby | Mr. M'Donald     | Mr. Thompson        |
| Mr. Danforth     | Mr. M'Vean       | Mr. Van Valkenburgh |
| Mr. Dewey        | Mr. Mather       | Mr. Walrath         |
| Mr. Dickson      | Mr. Mersereau    | Mr. Wheeler         |
| Mr. Edwards      | Mr. C. B. Miller | Mr. White           |
| Mr. Fellows      | Mr. S. Miller    | Mr. Wilcox          |
| Mr. Fenn         | Mr. Morris       | Mr. Wyckoff         |
| Mr. Field        | Mr. Morrison     | Mr. Wynant          |
| Mr. Fonda        | Mr. Moulton      | Mr. A. W. Young     |
| Mr. Garretson    | Mr. Newkirk      |                     |

92

And those who were absent are

|               |              |             |
|---------------|--------------|-------------|
| Mr. Bagg      | Mr. De Puy   | Mr. Porter  |
| Mr. Bailey    | Mr. Frisbee  | Mr. Preston |
| Mr. Billings  | Mr. Hall     | Mr. Raymond |
| Mr. T. Buel   | Mr. Harris   | Mr. Rogers  |
| Mr. Bunker    | Mr. Heermans | Mr. Tibbits |
| Mr. Cameron   | Mr. Horton   | Mr. Titus   |
| Mr. Carpenter | Mr. Howard   | Mr. Tuthill |

|               |            |                     |
|---------------|------------|---------------------|
| Mr. Coe       | Mr. Hunt   | Mr. Van Schoonhoven |
| Mr. Crain     | Mr. M'Key  | Mr. Wells           |
| Mr. E. Crosby | Mr. Mann   | Mr. Whitney         |
| Mr. Culver    | Mr. Niven  | Mr. Worden          |
| Mr. Dayton    | Mr. Pierce | Mr. J. Young        |

36

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The engrossed bill from the Senate, entitled "An act creating a public fund or stock in the city of New-York, to be called the Croton Water Stock, and in relation to the sinking fund of said city," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 94 | } |
| { | NAYS   | 00 | } |
| { | ABSENT | 34 | } |

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Barber       | Mr. Gregory      | Mr. Ross            |
| Mr. Betts        | Mr. Hammond      | Mr. Sager           |
| Mr. Billings     | Mr. Harden       | Mr. Salisbury       |
| Mr. Blake        | Mr. Hazelton     | Mr. Searing         |
| Mr. Bloss        | Mr. Hervey       | Mr. Sears           |
| Mr. Boughton     | Mr. Hine         | Mr. Sherman         |
| Mr. Bowen        | Mr. Horton       | Mr. Skelton         |
| Mr. J. Brooks    | Mr. Hunt         | Mr. A. C. Smith     |
| Mr. Brower       | Mr. Huntington   | Mr. W. Smith        |
| Mr. L. H. Brown  | Mr. Jarvis       | Mr. Speaker         |
| Mr. S. A. Brown  | Mr. Kinne        | Mr. Spring          |
| Mr. Bush         | Mr. Knapp        | Mr. J. Stevenson    |
| Mr. Cameron      | Mr. D. Lee       | Mr. R. L. Stevenson |
| Mr. Carpenter    | Mr. T. R. Lee    | Mr. Strobbridge     |
| Mr. Casner       | Mr. Long         | Mr. Sweeney         |
| Mr. Chase        | Mr. M'Carthy     | Mr. Tefft           |
| Mr. Collins      | Mr. M'Donald     | Mr. Thayer          |
| Mr. Comstock     | Mr. M'Vean       | Mr. Thompson        |
| Mr. Constant     | Mr. Mann         | Mr. Tibbits         |
| Mr. C. F. Crosby | Mr. Mersereau    | Mr. Titus           |
| Mr. Culver       | Mr. C. B. Miller | Mr. Tuthill         |
| Mr. Danforth     | Mr. S. Miller    | Mr. Van Valkenburgh |
| Mr. Dickson      | Mr. Morris       | Mr. Walrath         |
| Mr. Edwards      | Mr. Moulton      | Mr. Wheeler         |
| Mr. Fellows      | Mr. Oakley       | Mr. White           |
| Mr. Field        | Mr. Pardee       | Mr. Whitney         |
| Mr. Fonda        | Mr. Pierce       | Mr. Wilcox          |

|               |             |                 |
|---------------|-------------|-----------------|
| Mr. Frisbee   | Mr. Preston | Mr. Wyckoff     |
| Mr. Garretson | Mr. Raymond | Mr. Wynant      |
| Mr. Gifford   | Mr. Rice    | Mr. A. W. Young |
| Mr. D. Gould  | Mr. Rogers  | Mr. J. Young    |
| Mr. G. Goold  |             |                 |

94

And those who were absent are

|                 |              |                     |
|-----------------|--------------|---------------------|
| Mr. Bachman     | Mr. Dayton   | Mr. Litchfield      |
| Mr. Bagg        | Mr. De Puy   | Mr. M'Key           |
| Mr. Bailey      | Mr. Dewey    | Mr. Mather          |
| Mr. Bevins      | Mr. Fenn     | Mr. Morrison        |
| Mr. M. Brooks   | Mr. Hall     | Mr. Newkirk         |
| Mr. A. H. Buell | Mr. Hannum   | Mr. Niven           |
| Mr. T. Buel     | Mr. Harris   | Mr. Porter          |
| Mr. Bunker      | Mr. Heermans | Mr. Russell         |
| Mr. Burdick     | Mr. Howard   | Mr. Van Schoonhoven |
| Mr. Coe         | Mr. Johnson  | Mr. Wells           |
| Mr. Crain       | Mr. Jones    | Mr. Worden          |
| Mr. E. Crosby   |              |                     |

34

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The engrossed bill from the Senate, entitled "An act to renew an act entitled 'An act to incorporate the Society in the city of New-York, for the relief of poor widows with small children,' passed April 5, 1810," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 88 | } |
|   | NAYS   | 00 |   |
|   | ABSENT | 40 |   |

Those who voted in the affirmative are

|                 |                |                 |
|-----------------|----------------|-----------------|
| Mr. Bachman     | Mr. D. Gould   | Mr. Raymond     |
| Mr. Bailey      | Mr. G. Goold   | Mr. Rice        |
| Mr. Betts       | Mr. Hammond    | Mr. Rogers      |
| Mr. Billings    | Mr. Harden     | Mr. Ross        |
| Mr. Bloss       | Mr. Harris     | Mr. Russell     |
| Mr. Boughton    | Mr. Hazelton   | Mr. Sager       |
| Mr. Bowen       | Mr. Hervey     | Mr. Salisbury   |
| Mr. J. Brooks   | Mr. Hine       | Mr. Searing     |
| Mr. Brower      | Mr. Hunt       | Mr. Sears       |
| Mr. L. H. Brown | Mr. Huntington | Mr. Sherman     |
| Mr. A. H. Buell | Mr. Jarvis     | Mr. Skelton     |
| Mr. Burdick     | Mr. Johnson    | Mr. A. C. Smith |

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Carpenter    | Mr. Kinne        | Mr. W. Smith        |
| Mr. Casner       | Mr. Knapp        | Mr. Speaker         |
| Mr. Chase        | Mr. T. R. Lee    | Mr. Spring          |
| Mr. Collins      | Mr. Long         | Mr. J. Stevenson    |
| Mr. Comstock     | Mr. M'Donald     | Mr. R. L. Stevenson |
| Mr. Constant     | Mr. M'Vean       | Mr. Sweeney         |
| Mr. Crain        | Mr. Mann         | Mr. Tefft           |
| Mr. C. F. Crosby | Mr. Mather       | Mr. Thayer          |
| Mr. Culver       | Mr. Mersereau    | Mr. Thompson        |
| Mr. Dickson      | Mr. C. B. Miller | Mr. Tibbits         |
| Mr. Edwards      | Mr. S. Miller    | Mr. Titus           |
| Mr. Fellows      | Mr. Morris       | Mr. Walrath         |
| Mr. Fenn         | Mr. Morrison     | Mr. Wheeler         |
| Mr. Field        | Mr. Oakley       | Mr. White           |
| Mr. Fonda        | Mr. Pardee       | Mr. Wyckoff         |
| Mr. Frisbee      | Mr. Pierce       | Mr. A. W. Young     |
| Mr. Garretson    | Mr. Preston      | Mr. J. Young        |
| Mr. Gifford      |                  |                     |

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And those who were absent are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Bagg        | Mr. De Puy     | Mr. Moulton         |
| Mr. Barber      | Mr. Dewey      | Mr. Newkirk         |
| Mr. Bevins      | Mr. Gregory    | Mr. Niven           |
| Mr. Blake       | Mr. Hall       | Mr. Porter          |
| Mr. M. Brooks   | Mr. Hannum     | Mr. Strobridge      |
| Mr. S. A. Brown | Mr. Heermans   | Mr. Tnhill          |
| Mr. T. Buel     | Mr. Horton     | Mr. Van Schoonhoven |
| Mr. Bunker      | Mr. Howard     | Mr. Van Valkenburgh |
| Mr. Bush        | Mr. Jones      | Mr. Wells           |
| Mr. Cameron     | Mr. D. Lee     | Mr. Whitney         |
| Mr. Coe         | Mr. Litchfield | Mr. Wilcox          |
| Mr. E. Crosby   | Mr. M'Carthy   | Mr. Worden          |
| Mr. Danforth    | Mr. M'Key      | Mr. Wynant          |
| Mr. Dayton      |                |                     |

40

*Ordered,* That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

Mr. Mather, from the committee of conference on the part of the Assembly, appointed to meet a similar committee on the part of the Senate, to confer on the amendments to the bill entitled "An act for the relief of John E. Foley," which are the subject of disagreement between the two houses, reported, that the committee had examined the said bill and amendments, and had agreed upon certain amendments, with which they recommend the bill to be passed into a law.

The said bill and amendments having been read,

Mr. Speaker put the question whether the House would agree to the amendments to the said bill, made by the committee of conference, and it was determined in the affirmative.

*Ordered,* That the Clerk return the said bill and amendments to the



Senate, and inform them that the Assembly have concurred in the said amendments made by the committee of conference, and amended the bill accordingly.

The engrossed bill from the Senate, entitled "An act to authorise the mayor, aldermen and commonalty of the city of New-York to raise money by loan, and to create a public fund or stock, to be called Building Loan Stock No. 2," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 92 | } |
| { | NAYS   | 00 | } |
| { | ABSENT | 36 | } |

Those who voted in the affirmative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. Garretson    | Mr. Raymond         |
| Mr. Bagg        | Mr. Gifford      | Mr. Rice            |
| Mr. Barber      | Mr. G. Goold     | Mr. Ross            |
| Mr. Betts       | Mr. Hammond      | Mr. Sager           |
| Mr. Bevens      | Mr. Harden       | Mr. Salisbury       |
| Mr. Billings    | Mr. Harris       | Mr. Searing         |
| Mr. Bloss       | Mr. Hazelton     | Mr. Sears           |
| Mr. Boughton    | Mr. Hervey       | Mr. Sherman         |
| Mr. Bowen       | Mr. Hunt         | Mr. Skelton         |
| Mr. J. Brooks   | Mr. Huntington   | Mr. A. C. Smith     |
| Mr. M. Brooks   | Mr. Jarvis       | Mr. W. Smith        |
| Mr. Brower      | Mr. Johnson      | Mr. Speaker         |
| Mr. L. H. Brown | Mr. Jones        | Mr. Spring          |
| Mr. S. A. Brown | Mr. Kinne        | Mr. J. Stevenson    |
| Mr. A. H. Buell | Mr. Knapp        | Mr. R. L. Stevenson |
| Mr. Burdick     | Mr. D. Lee       | Mr. Strobbridge     |
| Mr. Carpenter   | Mr. T. R. Lee    | Mr. Sweeney         |
| Mr. Casner      | Mr. Litchfield   | Mr. Tefft           |
| Mr. Chase       | Mr. Long         | Mr. Thayer          |
| Mr. Coe         | Mr. M'Carthy     | Mr. Thompson        |
| Mr. Collins     | Mr. M'Donald     | Mr. Tibbits         |
| Mr. Comstock    | Mr. M'Vean       | Mr. Titus           |
| Mr. Constant    | Mr. Mather       | Mr. Tuthill         |
| Mr. Crain       | Mr. Mersereau    | Mr. Van Valkenburgh |
| Mr. Culver      | Mr. C. B. Miller | Mr. Walrath         |
| Mr. Dewey       | Mr. Morrison     | Mr. Wheeler         |
| Mr. Dickson     | Mr. Moulton      | Mr. White           |
| Mr. Edwards     | Mr. Oakley       | Mr. Wyckoff         |
| Mr. Fenn        | Mr. Pardee       | Mr. Wynant          |
| Mr. Field       | Mr. Porter       | Mr. A. W. Young     |
| Mr. Fonda       | Mr. Preston      |                     |

And those who were absent are

|                  |               |                     |
|------------------|---------------|---------------------|
| Mr. Bailey       | Mr. Frisbee   | Mr. Morris          |
| Mr. Blake        | Mr. D. Gould  | Mr. Newkirk         |
| Mr. T. Buel      | Mr. Gregory   | Mr. Niven           |
| Mr. Bunker       | Mr. Hall      | Mr. Pierce          |
| Mr. Bush         | Mr. Hannum    | Mr. Rogers          |
| Mr. Cameron      | Mr. Heermans  | Mr. Russell         |
| Mr. C. F. Crosby | Mr. Hine      | Mr. Van Schoonhoven |
| Mr. E. Crosby    | Mr. Horton    | Mr. Wells           |
| Mr. Danforth     | Mr. Howard    | Mr. Whitney         |
| Mr. Dayton       | Mr. M'Key     | Mr. Wilcox          |
| Mr. De Puy       | Mr. Mann      | Mr. Worden          |
| Mr. Fellows      | Mr. S. Miller | Mr. J. Young        |

36

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

By unanimous consent,

Mr. Fonda offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, (if the Senate concur,) That a committee of three be appointed, to consist of one member of the Senate and two members of the Assembly, to examine the Treasurer's accounts, the Banking department, and the accounts of the Canal department; and that they have leave to sit during the recess of the Legislature.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

*Ordered*, That the Clerk deliver the said resolution to the Senate, and request their concurrence in the same.

By unanimous consent,

Mr. M. Brooks, from the committee on the expenditures of the executive department, asked for and obtained leave to report in part; which said report was read, and ordered to be laid on the table.

Mr. M. Brooks, from the same committee, reported, that in the opinion of the committee, the Governor has the power to regulate the pay of the State Geologists, and that no further action is required on the part of the committee.

*Ordered*, That the said report be laid on the table.

The engrossed bill from the Senate, entitled "An act to incorporate the Laborers' Union Benevolent Association in the city of New-York," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 87 | } |
| { | NAYS   | 00 | } |
| { | ABSENT | 41 | } |

## Those who voted in the affirmative are

|                  |                  |                  |
|------------------|------------------|------------------|
| Mr. Bachman      | Mr. Fonda        | Mr. Newkirk      |
| Mr. Bagg         | Mr. Frisbee      | Mr. Oakley       |
| Mr. Barber       | Mr. Garretson    | Mr. Pardee       |
| Mr. Betts        | Mr. Gifford      | Mr. Porter       |
| Mr. Bevens       | Mr. D. Gould     | Mr. Preston      |
| Mr. Billings     | Mr. G. Gould     | Mr. Rice         |
| Mr. Blake        | Mr. Hammond      | Mr. Rogers       |
| Mr. Bloss        | Mr. Hannum       | Mr. Ross         |
| Mr. Boughton     | Mr. Harden       | Mr. Russell      |
| Mr. Bowen        | Mr. Harris       | Mr. Sager        |
| Mr. J. Brooks    | Mr. Hazelton     | Mr. Searing      |
| Mr. M. Brooks    | Mr. Hervey       | Mr. W. Smith     |
| Mr. L. H. Brown  | Mr. Hine         | Mr. Speaker      |
| Mr. Bunker       | Mr. Huntington   | Mr. Spring       |
| Mr. Burdick      | Mr. Jarvis       | Mr. J. Stevenson |
| Mr. Carpenter    | Mr. Johnson      | Mr. Sweeney      |
| Mr. Casner       | Mr. Kinne        | Mr. Tefft        |
| Mr. Chase        | Mr. D. Lee       | Mr. Thompson     |
| Mr. Collins      | Mr. Litchfield   | Mr. Tibbits      |
| Mr. Comstock     | Mr. Long         | Mr. Titus        |
| Mr. Constant     | Mr. M'Carthy     | Mr. Tuthill      |
| Mr. C. F. Crosby | Mr. M'Donald     | Mr. Walrath      |
| Mr. Culver       | Mr. M'Vean       | Mr. Wheeler      |
| Mr. Danforth     | Mr. Mersereau    | Mr. White        |
| Mr. Dewey        | Mr. C. B. Miller | Mr. Whitney      |
| Mr. Edwards      | Mr. S. Miller    | Mr. Wyckoff      |
| Mr. Fellows      | Mr. Morris       | Mr. Wynant       |
| Mr. Fenn         | Mr. Morrison     | Mr. A. W. Young  |
| Mr. Field        | Mr. Moulton      | Mr. J. Young     |

87

## And those who were absent are

|                 |               |                     |
|-----------------|---------------|---------------------|
| Mr. Bailey      | Mr. Hall      | Mr. Salisbury       |
| Mr. Brower      | Mr. Heermans  | Mr. Sears           |
| Mr. S. A. Brown | Mr. Horton    | Mr. Sherman         |
| Mr. A. H. Buell | Mr. Howard    | Mr. Skelton         |
| Mr. T. Buel     | Mr. Hunt      | Mr. A. C. Smith     |
| Mr. Bush        | Mr. Jones     | Mr. R. L. Stevenson |
| Mr. Cameron     | Mr. Knapp     | Mr. Strobbridge     |
| Mr. Coe         | Mr. T. R. Lee | Mr. Thayer          |
| Mr. Crain       | Mr. M'Key     | Mr. Van Schoonhoven |
| Mr. E. Crosby   | Mr. Mann      | Mr. Van Valkenburgh |
| Mr. Dayton      | Mr. Mather    | Mr. Wells           |
| Mr. De Puy      | Mr. Niven     | Mr. Wilcox          |
| Mr. Dickson     | Mr. Pierce    | Mr. Worden          |
| Mr. Gregory     | Mr. Raymond   |                     |

41

*Ordered,* That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The engrossed bill from the Senate, entitled "An act to incorporate the Schenectady Reference Library Company," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 91 | } |
| { | NAYS   | 00 | } |
| { | ABSENT | 37 | } |

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Garretson    | Mr. Pardee          |
| Mr. Bagg         | Mr. Gifford      | Mr. Porter          |
| Mr. Barber       | Mr. D. Gould     | Mr. Preston         |
| Mr. Betts        | Mr. G. Goold     | Mr. Rice            |
| Mr. Bevens       | Mr. Hammond      | Mr. Rogers          |
| Mr. Billings     | Mr. Hannum       | Mr. Ross            |
| Mr. Blake        | Mr. Harden       | Mr. Russell         |
| Mr. Bloss        | Mr. Harris       | Mr. Sager           |
| Mr. Bowen        | Mr. Hazelton     | Mr. Salisbury       |
| Mr. J. Brooks    | Mr. Hervey       | Mr. Searing         |
| Mr. M. Brooks    | Mr. Horton       | Mr. Sears           |
| Mr. Brower       | Mr. Hunt         | Mr. Skelton         |
| Mr. L. H. Brown  | Mr. Jarvis       | Mr. A. C. Smith     |
| Mr. Bunker       | Mr. Johnson      | Mr. W. Smith        |
| Mr. Burdick      | Mr. Jones        | Mr. Speaker         |
| Mr. Carpenter    | Mr. Kinne        | Mr. Spring          |
| Mr. Casner       | Mr. Knapp        | Mr. J. Stevenson    |
| Mr. Chase        | Mr. T. R. Lee    | Mr. R. L. Stevenson |
| Mr. Coe          | Mr. Litchfield   | Mr. Strobbridge     |
| Mr. Constant     | Mr. M'Carthy     | Mr. Thompson        |
| Mr. C. F. Crosby | Mr. M'Vean       | Mr. Tibbits         |
| Mr. Culver       | Mr. Mann         | Mr. Titus           |
| Mr. Danforth     | Mr. Mersereau    | Mr. Tnithill        |
| Mr. Dewey        | Mr. C. B. Miller | Mr. Walrath         |
| Mr. Dickson      | Mr. S. Miller    | Mr. Wheeler         |
| Mr. Edwards      | Mr. Morris       | Mr. White           |
| Mr. Fellows      | Mr. Morrison     | Mr. Wyckoff         |
| Mr. Fenn         | Mr. Moulton      | Mr. Wynant          |
| Mr. Field        | Mr. Newkirk      | Mr. A. W. Young     |
| Mr. Fonda        | Mr. Oakley       | Mr. J. Young        |
| Mr. Frisbee      |                  |                     |

91

And those who were absent are

|              |             |             |
|--------------|-------------|-------------|
| Mr. Bailey   | Mr. Gregory | Mr. Pierce  |
| Mr. Boughton | Mr. Hall    | Mr. Raymond |



|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. S. A. Brown | Mr. Heermans   | Mr. Sherman         |
| Mr. A. H. Buell | Mr. Hine       | Mr. Sweeney         |
| Mr. T. Buel     | Mr. Howard     | Mr. Tefft           |
| Mr. Bush        | Mr. Huntington | Mr. Thayer          |
| Mr. Cameron     | Mr. D. Lee     | Mr. Van Schoonhoven |
| Mr. Collins     | Mr. Long       | Mr. Van Valkenburgh |
| Mr. Comstock    | Mr. M'Donald   | Mr. Wells           |
| Mr. Crain       | Mr. M'Key      | Mr. Whitney         |
| Mr. E. Crosby   | Mr. Mather     | Mr. Wilcox          |
| Mr. Dayton      | Mr. Niven      | Mr. Worden          |
| Mr. De Puy      |                |                     |

37

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The engrossed bill from the Senate, entitled "An act to amend an act entitled 'An act to incorporate the Freeman's Benevolent Association of Rochester,' passed April 13th, 1837," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |
|---|--------|----|
| { | AYES   | 87 |
|   | NAYS   | 00 |
|   | ABSENT | 41 |

Those who voted in the affirmative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Bachman      | Mr. Garretson  | Mr. Newkirk         |
| Mr. Barber       | Mr. Gifford    | Mr. Oakley          |
| Mr. Betts        | Mr. D. Gould   | Mr. Pardee          |
| Mr. Bevens       | Mr. G. Gould   | Mr. Porter          |
| Mr. Billings     | Mr. Hammond    | Mr. Rogers          |
| Mr. Blake        | Mr. Hannum     | Mr. Ross            |
| Mr. Bloss        | Mr. Harden     | Mr. Sager           |
| Mr. Bowen        | Mr. Harris     | Mr. Salisbury       |
| Mr. J. Brooks    | Mr. Hazelton   | Mr. Sears           |
| Mr. M. Brooks    | Mr. Hervey     | Mr. Skelton         |
| Mr. Brower       | Mr. Hine       | Mr. A. C. Smith     |
| Mr. L. H. Brown  | Mr. Horton     | Mr. W. Smith        |
| Mr. Bunker       | Mr. Hunt       | Mr. Speaker         |
| Mr. Burdick      | Mr. Huntington | Mr. Spring          |
| Mr. Carpenter    | Mr. Jarvis     | Mr. J. Stevenson    |
| Mr. Casner       | Mr. Johnson    | Mr. R. L. Stevenson |
| Mr. Chase        | Mr. Jones      | Mr. Strobbridge     |
| Mr. Collins      | Mr. Kinne      | Mr. Tefft           |
| Mr. C. F. Crosby | Mr. Knapp      | Mr. Thayer          |
| Mr. Culver       | Mr. D. Lee     | Mr. Thompson        |
| Mr. Danforth     | Mr. T. R. Lee  | Mr. Tibbits         |
| Mr. Dewey        | Mr. Litchfield | Mr. Titus           |

|             |                  |                 |
|-------------|------------------|-----------------|
| Mr. Dickson | Mr. Long         | Mr. Walrath     |
| Mr. Edwards | Mr. McDonald     | Mr. Wheeler     |
| Mr. Fellows | Mr. Mersereau    | Mr. White       |
| Mr. Fenn    | Mr. C. B. Miller | Mr. Wyckoff     |
| Mr. Field   | Mr. S. Miller    | Mr. Wynant      |
| Mr. Fonda   | Mr. Morris       | Mr. A. W. Young |
| Mr. Frisbee | Mr. Morrison     | Mr. J. Young    |

87

And those who were absent are

|                 |              |                     |
|-----------------|--------------|---------------------|
| Mr. Bagg        | Mr. De Puy   | Mr. Raymond         |
| Mr. Bailey      | Mr. Gregory  | Mr. Rice            |
| Mr. Boughton    | Mr. Hall     | Mr. Russell         |
| Mr. S. A. Brown | Mr. Heermans | Mr. Searing         |
| Mr. A. H. Buell | Mr. Howard   | Mr. Sherman         |
| Mr. T. Buel     | Mr. McCarthy | Mr. Sweeney         |
| Mr. Bush        | Mr. McKey    | Mr. Tuthill         |
| Mr. Cameron     | Mr. McVean   | Mr. Van Schoonhoven |
| Mr. Coe         | Mr. Mann     | Mr. Van Valkenburgh |
| Mr. Comstock    | Mr. Mather   | Mr. Wells           |
| Mr. Constant    | Mr. Moulton  | Mr. Whitney         |
| Mr. Crain       | Mr. Niven    | Mr. Wilcox          |
| Mr. E. Crosby   | Mr. Pierce   | Mr. Worden          |
| Mr. Dayton      | Mr. Preston  |                     |

41

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The engrossed bill from the Senate, entitled "An act to incorporate the Greenbush Cemetery Association," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 92 | } |
| { | NAYS   | 00 | } |
| { | ABSENT | 36 | } |

Those who voted in the affirmative are

|                 |              |                 |
|-----------------|--------------|-----------------|
| Mr. Bachman     | Mr. D. Gould | Mr. Porter      |
| Mr. Bagg        | Mr. G. Goold | Mr. Preston     |
| Mr. Barber      | Mr. Hammond  | Mr. Rice        |
| Mr. Bevens      | Mr. Hannum   | Mr. Rogers      |
| Mr. Billings    | Mr. Harris   | Mr. Ross        |
| Mr. Blake       | Mr. Hazelton | Mr. Sager       |
| Mr. Bowen       | Mr. Hervey   | Mr. Salisbury   |
| Mr. J. Brooks   | Mr. Hine     | Mr. Searing     |
| Mr. M. Brooks   | Mr. Horton   | Mr. Sherman     |
| Mr. L. H. Brown | Mr. Hunt     | Mr. A. C. Smith |

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bunker       | Mr. Huntington   | Mr. W. Smith        |
| Mr. Burdick      | Mr. Jarvis       | Mr. Speaker         |
| Mr. Carpenter    | Mr. Johnson      | Mr. Spring          |
| Mr. Casner       | Mr. Jones        | Mr. J. Stevenson    |
| Mr. Chase        | Mr. Kinne        | Mr. R. L. Stevenson |
| Mr. Coe          | Mr. Knapp        | Mr. Strobbridge     |
| Mr. Collins      | Mr. D. Lee       | Mr. Tefft           |
| Mr. Constant     | Mr T. R. Lee     | Mr. Thayer          |
| Mr. C. F. Crosby | Mr. Litchfield   | Mr. Thompson        |
| Mr. Culver       | Mr. M'Donald     | Mr. Tibbits         |
| Mr. Danforth     | Mr. M'Vean       | Mr. Titus           |
| Mr. Dewey        | Mr. Mather       | Mr. Van Valkenburgh |
| Mr. Dickson      | Mr. Mersereau    | Mr. Walrath         |
| Mr. Edwards      | Mr. C. B. Miller | Mr. Wheeler         |
| Mr. Fellows      | Mr. S. Miller    | Mr. White           |
| Mr. Fenn         | Mr. Morris       | Mr. Wilcox          |
| Mr. Field        | Mr. Morrison     | Mr. Wyckoff         |
| Mr. Fonda        | Mr. Moulton      | Mr. Wynant          |
| Mr. Frisbee      | Mr. Newkirk      | Mr. A. W. Young     |
| Mr. Garretson    | Mr. Oakley       | Mr. J. Young        |
| Mr. Gifford      | Mr. Pardee       |                     |

92

And those who were absent are

|                 |               |                     |
|-----------------|---------------|---------------------|
| Mr. Bailey      | Mr. E. Crosby | Mr. Niven           |
| Mr. Betts       | Mr. Dayton    | Mr. Pierce          |
| Mr. Bloss       | Mr. De Puy    | Mr. Raymond         |
| Mr. Boughton    | Mr. Gregory   | Mr. Russell         |
| Mr. Brower      | Mr. Hall      | Mr. Sears           |
| Mr. S. A. Brown | Mr. Harden    | Mr. Skelton         |
| Mr. A. H. Buell | Mr. Heermans  | Mr. Sweeney         |
| Mr. T. Buel     | Mr. Howard    | Mr. Tuthill         |
| Mr. Bush        | Mr. Long      | Mr. Van Schoonhoven |
| Mr. Cameron     | Mr. M'Carthy  | Mr. Wells           |
| Mr. Comstock    | Mr. M'Key     | Mr. Whitney         |
| Mr. Crain       | Mr. Mann      | Mr. Worden          |

36

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The engrossed bill from the Senate, entitled "An act to incorporate the Dutch County Historical Society," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 87 | } |
|   | NAYS   | 01 |   |
|   | ABSENT | 40 |   |

Those who voted in the affirmative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. G. Goold     | Mr. Rice            |
| Mr. Bagg        | Mr. Hammond      | Mr. Rogers          |
| Mr. Barber      | Mr. Hannum       | Mr. Ross            |
| Mr. Bevens      | Mr. Harris       | Mr. Sager           |
| Mr. Billings    | Mr. Hervey       | Mr. Salisbury       |
| Mr. Blake       | Mr. Hine         | Mr. Sears           |
| Mr. Boughton    | Mr. Horton       | Mr. Sherman         |
| Mr. Bowen       | Mr. Hunt         | Mr. Skelton         |
| Mr. J. Brooks   | Mr. Huntington   | Mr. A. C. Smith     |
| Mr. M. Brooks   | Mr. Jarvis       | Mr. W. Smith        |
| Mr. L. H. Brown | Mr. Kinne        | Mr. Speaker         |
| Mr. Bunker      | Mr. Knapp        | Mr. Spring          |
| Mr. Burdick     | Mr. D. Lee       | Mr. J. Stevenson    |
| Mr. Carpenter   | Mr. T. R. Lee    | Mr. R. L. Stevenson |
| Mr. Casner      | Mr. Litchfield   | Mr. Strobbridge     |
| Mr. Collins     | Mr. McDonald     | Mr. Sweeney         |
| Mr. Culver      | Mr. M'Vean       | Mr. Tefft           |
| Mr. Danforth    | Mr. Mather       | Mr. Thompson        |
| Mr. Dewey       | Mr. Mersereau    | Mr. Tibbits         |
| Mr. Dickson     | Mr. C. B. Miller | Mr. Titus           |
| Mr. Edwards     | Mr. S. Miller    | Mr. Van Valkenburgh |
| Mr. Fellows     | Mr. Morris       | Mr. Walrath         |
| Mr. Fenn        | Mr. Morrison     | Mr. Wheeler         |
| Mr. Field       | Mr. Moulton      | Mr. White           |
| Mr. Fonda       | Mr. Newkirk      | Mr. Wilcox          |
| Mr. Frisbee     | Mr. Oakley       | Mr. Wyckoff         |
| Mr. Garretson   | Mr. Pardee       | Mr. Wynant          |
| Mr. Gifford     | Mr. Porter       | Mr. A. W. Young     |
| Mr. D. Gould    | Mr. Preston      | Mr. J. Young 87     |

For the negative,

Mr. Hazelton

1

And those who were absent are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bailey      | Mr. C. F. Crosby | Mr. M'Key           |
| Mr. Betts       | Mr. E. Crosby    | Mr. Mann            |
| Mr. Bloss       | Mr. Dayton       | Mr. Niven           |
| Mr. Brower      | Mr. De Puy       | Mr. Pierce          |
| Mr. S. A. Brown | Mr. Gregory      | Mr. Raymond         |
| Mr. A. H. Buell | Mr. Hall         | Mr. Russell         |
| Mr. T. Buel     | Mr. Harden       | Mr. Searing         |
| Mr. Bush        | Mr. Heermans     | Mr. Thayer          |
| Mr. Cameron     | Mr. Howard       | Mr. Tuthill         |
| Mr. Chase       | Mr. Johnson      | Mr. Van Schoonhoven |
| Mr. Coe         | Mr. Jones        | Mr. Wells           |
| Mr. Comstock    | Mr. Long         | Mr. Whitney         |
| Mr. Constant    | Mr. M'Carthy     | Mr. Worden          |
| Mr. Crain       |                  |                     |



*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The engrossed bill from the Senate, entitled "An act to authorise the common council of the city of Utica to levy a tax, to defray the cost of certain improvements at and near Nail creek," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 96 | } |
| { | NAYS   | 00 | } |
| { | ABSENT | 32 | } |

Those who voted in the affirmative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. D. Gould     | Mr. Porter          |
| Mr. Bagg        | Mr. G. Goold     | Mr. Preston         |
| Mr. Barber      | Mr. Hammond      | Mr. Raymond         |
| Mr. Betts       | Mr. Hannum       | Mr. Rice            |
| Mr. Bevens      | Mr. Harris       | Mr. Rogers          |
| Mr. Billings    | Mr. Hazelton     | Mr. Ross            |
| Mr. Blake       | Mr. Hervey       | Mr. Sager           |
| Mr. Bloss       | Mr. Hine         | Mr. Salisbury       |
| Mr. Boughton    | Mr. Horton       | Mr. Searing         |
| Mr. Bowen       | Mr. Hunt         | Mr. Sears           |
| Mr. J. Brooks   | Mr. Huntington   | Mr. Sherman         |
| Mr. M. Brooks   | Mr. Jarvis       | Mr. Skelton         |
| Mr. Brower      | Mr. Johnson      | Mr. A. C. Smith     |
| Mr. L. H. Brown | Mr. Jones        | Mr. W. Smith        |
| Mr. S. A. Brown | Mr. Kinne        | Mr. Speaker         |
| Mr. Bunker      | Mr. Knapp        | Mr. Spring          |
| Mr. Burdick     | Mr. D. Lee       | Mr. J. Stevenson    |
| Mr. Carpenter   | Mr. T. R. Lee    | Mr. R. L. Stevenson |
| Mr. Casner      | Mr. Litchfield   | Mr. Strobbridge     |
| Mr. Collins     | Mr. Long         | Mr. Sweeney         |
| Mr. Culver      | Mr. M'Key        | Mr. Tefft           |
| Mr. Danforth    | Mr. M'Vean       | Mr. Thayer          |
| Mr. Dewey       | Mr. Mann         | Mr. Thompson        |
| Mr. Dickson     | Mr. Mather       | Mr. Tibbitts        |
| Mr. Edwards     | Mr. Mersereau    | Mr. Van Valkenburgh |
| Mr. Fellows     | Mr. C. B. Miller | Mr. Walrath         |
| Mr. Fenn        | Mr. S. Miller    | Mr. Wheeler         |
| Mr. Field       | Mr. Morris       | Mr. Wilcox          |
| Mr. Fonda       | Mr. Morrison     | Mr. Wyckoff         |
| Mr. Frisbee     | Mr. Newkirk      | Mr. Wynant          |
| Mr. Garretson   | Mr. Oakley       | Mr. A. W. Young     |
| Mr. Gifford     | Mr. Pardee       | Mr. J. Young        |

And those who were absent are

|                  |               |                     |
|------------------|---------------|---------------------|
| Mr. Bailey       | Mr. E. Crosby | Mr. Niven           |
| Mr. A. H. Buell  | Mr. Dayton    | Mr. Pierce          |
| Mr. T. Buel      | Mr. De Puy    | Mr. Russell         |
| Mr. Bush         | Mr. Gregory   | Mr. Titus           |
| Mr. Cameron      | Mr. Hall      | Mr. Tuthill         |
| Mr. Chase        | Mr. Harden    | Mr. Van Schoonhoven |
| Mr. Coe          | Mr. Heermans  | Mr. Wells           |
| Mr. Comstock     | Mr. Howard    | Mr. White           |
| Mr. Constant     | Mr. M'Carthy  | Mr. Whitney         |
| Mr. Crain        | Mr. M'Donald  | Mr. Worden          |
| Mr. C. F. Crosby | Mr. Moulton   |                     |

32

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The engrossed bill from the Senate, entitled "An act for the relief of Rebecca Kieyle, an alien," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 95 | } |
| { | NAYS   | 00 | } |
| { | ABSENT | 33 | } |

Those who voted in the affirmative are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Bachman     | Mr. Harden     | Mr. Raymond         |
| Mr. Bagg        | Mr. Harris     | Mr. Rice            |
| Mr. Barber      | Mr. Hazelton   | Mr. Rogers          |
| Mr. Betts       | Mr. Hervey     | Mr. Ross            |
| Mr. Bevens      | Mr. Hine       | Mr. Sager           |
| Mr. Billings    | Mr. Horton     | Mr. Salisbury       |
| Mr. Blake       | Mr. Hunt       | Mr. Searing         |
| Mr. Bloss       | Mr. Huntington | Mr. Sears           |
| Mr. Boughton    | Mr. Jarvis     | Mr. Sherman         |
| Mr. J. Brooks   | Mr. Johnson    | Mr. Skelton         |
| Mr. M. Brooks   | Mr. Jones      | Mr. A. C. Smith     |
| Mr. Brower      | Mr. Kinne      | Mr. W. Smith        |
| Mr. L. H. Brown | Mr. Knapp      | Mr. Speaker         |
| Mr. S. A. Brown | Mr. D. Lee     | Mr. J. Stevenson    |
| Mr. Bunker      | Mr. T. R. Lee  | Mr. R. L. Stevenson |
| Mr. Burdick     | Mr. Litchfield | Mr. Strobidge       |
| Mr. Carpenter   | Mr. Long       | Mr. Sweeney         |
| Mr. Chase       | Mr. M'Carthy   | Mr. Tefft           |
| Mr. Collins     | Mr. M'Donald   | Mr. Thayer          |
| Mr. Culver      | Mr. M'Key      | Mr. Thompson        |
| Mr. Danforth    | Mr. M'Vean     | Mr. Titus           |

|               |                  |                     |
|---------------|------------------|---------------------|
| Mr. Dewey     | Mr. Mann         | Mr. Tuthill         |
| Mr. Dickson   | Mr. Mather       | Mr. Van Valkenburgh |
| Mr. Edwards   | Mr. Mersereau    | Mr. Walrath         |
| Mr. Fellows   | Mr. C. B. Miller | Mr. Wheeler         |
| Mr. Fenn      | Mr. S. Miller    | Mr. White           |
| Mr. Field     | Mr. Morris       | Mr. Wilcox          |
| Mr. Garretson | Mr. Morrison     | Mr. Wyckoff         |
| Mr. Gifford   | Mr. Oakley       | Mr. Wynant          |
| Mr. D. Gould  | Mr. Pardee       | Mr. A. W. Young     |
| Mr. G. Goold  | Mr. Porter       | Mr. J. Young        |
| Mr. Hannum    | Mr. Preston      |                     |

95

And those who were absent are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bailey      | Mr. C. F. Crosby | Mr. Moulton         |
| Mr. Bowen       | Mr. E. Crosby    | Mr. Newkirk         |
| Mr. A. H. Buell | Mr. Dayton       | Mr. Niven           |
| Mr. T. Buel     | Mr. De Puy       | Mr. Pierce          |
| Mr. Bush        | Mr. Fonda        | Mr. Russell         |
| Mr. Cameron     | Mr. Frisbee      | Mr. Spring          |
| Mr. Casner      | Mr. Gregory      | Mr. Tibbits         |
| Mr. Coe         | Mr. Hall         | Mr. Van Schoonhoven |
| Mr. Comstock    | Mr. Hammond      | Mr. Wells           |
| Mr. Constant    | Mr. Heermans     | Mr. Whitney         |
| Mr. Crain       | Mr. Howard       | Mr. Worden          |

33

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The engrossed bill from the Senate, entitled "An act to incorporate the Brooklyn African Tompkins Association," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 94 | } |
| { | NAYS   | 00 | } |
| { | ABSENT | 34 | } |

Those who voted in the affirmative are

|              |                |               |
|--------------|----------------|---------------|
| Mr. Bachman  | Mr. Hannum     | Mr. Rice      |
| Mr. Bagg     | Mr. Harden     | Mr. Rogers    |
| Mr. Bailey   | Mr. Hazelton   | Mr. Ross      |
| Mr. Barber   | Mr. Hervey     | Mr. Sager     |
| Mr. Betts    | Mr. Hine       | Mr. Salisbury |
| Mr. Bevens   | Mr. Horton     | Mr. Searing   |
| Mr. Billings | Mr. Hunt       | Mr. Sears     |
| Mr. Bloss    | Mr. Huntington | Mr. Sherman   |
| Mr. Bowen    | Mr. Jarvis     | Mr. Skelton   |

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. J. Brooks   | Mr. Johnson      | Mr. A. C. Smith     |
| Mr. Brower      | Mr. Jones        | Mr. W. Smith        |
| Mr. S. A. Brown | Mr. Knapp        | Mr. Speaker         |
| Mr. Bunker      | Mr. D. Lee       | Mr. Spring          |
| Mr. Burdick     | Mr. T. R. Lee    | Mr. J. Stevenson    |
| Mr. Carpenter   | Mr. Litchfield   | Mr. R. L. Stevenson |
| Mr. Casner      | Mr. M'Donald     | Mr. Strobridge      |
| Mr. Chase       | Mr. M'Key        | Mr. Sweeney         |
| Mr. Collins     | Mr. M'Vean       | Mr. Tefft           |
| Mr. Constant    | Mr. Mann         | Mr. Thayer          |
| Mr. Culver      | Mr. Mather       | Mr. Thompson        |
| Mr. Danforth    | Mr. Mersereau    | Mr. Titus           |
| Mr. Dewey       | Mr. C. B. Miller | Mr. Tutbill         |
| Mr. Dickson     | Mr. S. Miller    | Mr. Van Valkenburgh |
| Mr. Edwards     | Mr. Morris       | Mr. Walrath         |
| Mr. Fenn        | Mr. Morrison     | Mr. Wheeler         |
| Mr. Field       | Mr. Newkirk      | Mr. White           |
| Mr. Frisbee     | Mr. Oakley       | Mr. Wilcox          |
| Mr. Garretson   | Mr. Pardee       | Mr. Wyckoff         |
| Mr. Gifford     | Mr. Pierce       | Mr. Wynant          |
| Mr. D. Gould    | Mr. Porter       | Mr. A. W. Young     |
| Mr. G. Goold    | Mr. Raymond      | Mr. J. Young        |
| Mr. Hammond     |                  |                     |

94

And those who were absent are

|                  |               |                     |
|------------------|---------------|---------------------|
| Mr. Blake        | Mr. E. Crosby | Mr. Long            |
| Mr. Boughton     | Mr. Dayton    | Mr. M'Carthy        |
| Mr. M. Brooks    | Mr. De Puy    | Mr. Moulton         |
| Mr. L. H. Brown  | Mr. Fellows   | Mr. Niven           |
| Mr. A. H. Buell  | Mr. Fonda     | Mr. Preston         |
| Mr. T. Buel      | Mr. Gregory   | Mr. Russell         |
| Mr. Bush         | Mr. Hall      | Mr. Tibbits         |
| Mr. Cameron      | Mr. Harris    | Mr. Van Schoonhoven |
| Mr. Coe          | Mr. Heermans  | Mr. Wells           |
| Mr. Comstock     | Mr. Howard    | Mr. Whitney         |
| Mr. Crain        | Mr. Kinne     | Mr. Worden          |
| Mr. C. F. Crosby |               |                     |

34

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The engrossed bill from the Senate, entitled "An act to incorporate the Buffalo Gaslight Company," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 94 | } |
| { | NAYS   | 00 | } |
| { | ABSENT | 34 | } |



## Those who voted in the affirmative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. Harden       | Mr. Raymond         |
| Mr. Bagg        | Mr. Harris       | Mr. Rice            |
| Mr. Barber      | Mr. Hazelton     | Mr. Rogers          |
| Mr. Betts       | Mr. Hervey       | Mr. Ross            |
| Mr. Bevins      | Mr. Howard       | Mr. Sager           |
| Mr. Billings    | Mr. Huntington   | Mr. Salisbury       |
| Mr. Blake       | Mr. Jarvis       | Mr. Searing         |
| Mr. Bowen       | Mr. Johnson      | Mr. Sears           |
| Mr. J. Brooks   | Mr. Jones        | Mr. Skelton         |
| Mr. M. Brooks   | Mr. Kinne        | Mr. A. C. Smith     |
| Mr. S. A. Brown | Mr. Knapp        | Mr. W. Smith        |
| Mr. A. H. Buell | Mr. D. Lee       | Mr. Speaker         |
| Mr. Bunker      | Mr. T. R. Lee    | Mr. Spring          |
| Mr. Burdick     | Mr. Litchfield   | Mr. J. Stevenson    |
| Mr. Casner      | Mr. Long         | Mr. R. L. Stevenson |
| Mr. Chase       | Mr. M'Donald     | Mr. Strobridge      |
| Mr. Coe         | Mr. M'Key        | Mr. Tefft           |
| Mr. Collins     | Mr. M'Vean       | Mr. Thayer          |
| Mr. Constant    | Mr. Mann         | Mr. Thompson        |
| Mr. Culver      | Mr. Mather       | Mr. Tibbits         |
| Mr. Danforth    | Mr. Mersereau    | Mr. Titus           |
| Mr. Dewey       | Mr. C. B. Miller | Mr. Tuthill         |
| Mr. Dickson     | Mr. S. Miller    | Mr. Van Valkenburgh |
| Mr. Edwards     | Mr. Morris       | Mr. Walrath         |
| Mr. Field       | Mr. Newkirk      | Mr. Wheeler         |
| Mr. Frisbee     | Mr. Niven        | Mr. White           |
| Mr. Garretson   | Mr. Oakley       | Mr. Wilcox          |
| Mr. Gifford     | Mr. Pardee       | Mr. Wyckoff         |
| Mr. D. Gould    | Mr. Pierce       | Mr. Wynant          |
| Mr. G. Gould    | Mr. Porter       | Mr. A. W. Young     |
| Mr. Hammond     | Mr. Preston      | Mr. J. Young        |
| Mr. Hannum      |                  |                     |

94

## And those who were absent are

|                  |               |                     |
|------------------|---------------|---------------------|
| Mr. Bailey       | Mr. F. Crosby | Mr. Hunt            |
| Mr. Bloss        | Mr. Dayton    | Mr. M'Carthy        |
| Mr. Boughton     | Mr. De Puy    | Mr. Morrison        |
| Mr. Brower       | Mr. Fellows   | Mr. Moulton         |
| Mr. L. H. Brown  | Mr. Fenn      | Mr. Russell         |
| Mr. T. Buel      | Mr. Fonda     | Mr. Sherman         |
| Mr. Bush         | Mr. Gregory   | Mr. Sweeney         |
| Mr. Cameron      | Mr. Hall      | Mr. Van Schoonhoven |
| Mr. Carpenter    | Mr. Heermans  | Mr. Wells           |
| Mr. Comstock     | Mr. Hine      | Mr. Whitney         |
| Mr. Crain        | Mr. Horton    | Mr. Worden          |
| Mr. C. F. Crosby |               |                     |

31

*Ordered.* That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The engrossed bill from the Senate, entitled "An act to incorporate the New-York Gallery of the Fine Arts," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 95 | } |
| { | NAYS   | 00 | } |
| { | ABSENT | 33 | } |

Those who voted in the affirmative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. Gifford      | Mr. Porter          |
| Mr. Bagg        | Mr. D. Gould     | Mr. Preston         |
| Mr. Barber      | Mr. G. Goold     | Mr. Raymond         |
| Mr. Betts       | Mr. Hammond      | Mr. Rice            |
| Mr. Bevens      | Mr. Hannum       | Mr. Rogers          |
| Mr. Billings    | Mr. Harden       | Mr. Ross            |
| Mr. Blake       | Mr. Hervey       | Mr. Sager           |
| Mr. Bloss       | Mr. Hine         | Mr. Salisbury       |
| Mr. Boughton    | Mr. Horton       | Mr. Searing         |
| Mr. Bowen       | Mr. Howard       | Mr. Sears           |
| Mr. J. Brooks   | Mr. Huntington   | Mr. Sherman         |
| Mr. M. Brooks   | Mr. Jarvis       | Mr. Skelton         |
| Mr. S. A. Brown | Mr. Johnson      | Mr. A. C. Smith     |
| Mr. A. H. Buell | Mr. Jones        | Mr. W. Smith        |
| Mr. Bunker      | Mr. Kinne        | Mr. Speaker         |
| Mr. Burdick     | Mr. Knapp        | Mr. J. Stevenson    |
| Mr. Casner      | Mr. D. Lee       | Mr. R. L. Stevenson |
| Mr. Chase       | Mr. Litchfield   | Mr. Strobbridge     |
| Mr. Coe         | Mr. Long         | Mr. Sweeney         |
| Mr. Collins     | Mr. M'Donald     | Mr. Thayer          |
| Mr. Constant    | Mr. M'Key        | Mr. Thompson        |
| Mr. Culver      | Mr. M'Vean       | Mr. Tibbits         |
| Mr. Danforth    | Mr. Mann         | Mr. Van Valkenburgh |
| Mr. Dewey       | Mr. Mersereau    | Mr. Walrath         |
| Mr. Dickson     | Mr. C. B. Miller | Mr. Wheeler         |
| Mr. Edwards     | Mr. S. Miller    | Mr. White           |
| Mr. Fellows     | Mr. Morris       | Mr. Wilcox          |
| Mr. Fenn        | Mr. Morrison     | Mr. Wyckoff         |
| Mr. Field       | Mr. Newkirk      | Mr. Wynant          |
| Mr. Fonda       | Mr. Oakley       | Mr. A. W. Young     |
| Mr. Frisbee     | Mr. Pardee       | Mr. J. Young        |
| Mr. Garretson   | Mr. Pierce       |                     |

95

And those who were absent are

|            |            |             |
|------------|------------|-------------|
| Mr. Bailey | Mr. Dayton | Mr. Moulton |
| Mr. Brower | Mr. De Puy | Mr. Niven   |

|                  |               |                     |
|------------------|---------------|---------------------|
| Mr. L. H. Brown  | Mr. Gregory   | Mr. Russell         |
| Mr. T. Buel      | Mr. Hall      | Mr. Spring          |
| Mr. Bush         | Mr. Harris    | Mr. Tefft           |
| Mr. Cameron      | Mr. Hazelton  | Mr. Titus           |
| Mr. Carpenter    | Mr. Heermans  | Mr. Tutbill         |
| Mr. Comstock     | Mr. Hunt      | Mr. Van Schoonhoven |
| Mr. Crain        | Mr. T. R. Lee | Mr. Wells           |
| Mr. C. F. Crosby | Mr. M'Carthy  | Mr. Whitney         |
| Mr. E. Crosby    | Mr. Mather    | Mr. Worden          |

33

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The engrossed bill from the Senate, entitled "An act to incorporate the Hambach Brothers in the city of New-York," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |
|---|--------|----|
| { | AYES   | 89 |
| { | NAYS   | 00 |
| { | ABSENT | 39 |

Those who voted in the affirmative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. D. Gould     | Mr. Porter          |
| Mr. Bagg        | Mr. G. Gould     | Mr. Preston         |
| Mr. Barber      | Mr. Hazelton     | Mr. Raymond         |
| Mr. Betts       | Mr. Hervey       | Mr. Rice            |
| Mr. Blake       | Mr. Hine         | Mr. Rogers          |
| Mr. Bloss       | Mr. Howard       | Mr. Ross            |
| Mr. Bowen       | Mr. Hunt         | Mr. Sager           |
| Mr. J. Brooks   | Mr. Huntington   | Mr. Salisbury       |
| Mr. M. Brooks   | Mr. Jarvis       | Mr. Searing         |
| Mr. Brower      | Mr. Johnson      | Mr. Sears           |
| Mr. L. H. Brown | Mr. Jones        | Mr. Sherman         |
| Mr. S. A. Brown | Mr. Kinne        | Mr. A. C. Smith     |
| Mr. A. H. Buell | Mr. Knapp        | Mr. W. Smith        |
| Mr. Bunker      | Mr. D. Lee       | Mr. Speaker         |
| Mr. Burdick     | Mr. Litchfield   | Mr. Spring          |
| Mr. Chase       | Mr. Long         | Mr. J. Stevenson    |
| Mr. Coe         | Mr. M'Donald     | Mr. R. L. Stevenson |
| Mr. Collins     | Mr. M'Key        | Mr. Strobbridge     |
| Mr. Culver      | Mr. M'Vean       | Mr. Sweeney         |
| Mr. Danforth    | Mr. Mann         | Mr. Tefft           |
| Mr. Dewey       | Mr. Mersereau    | Mr. Tibbits         |
| Mr. Dickson     | Mr. C. B. Miller | Mr. Van Valkenburgh |
| Mr. Edwards     | Mr. S. Miller    | Mr. Walrath         |
| Mr. Fellows     | Mr. Morris       | Mr. Wheeler         |

|               |              |                 |
|---------------|--------------|-----------------|
| Mr. Fenn      | Mr. Morrison | Mr. White       |
| Mr. Field     | Mr. Moulton  | Mr. Wilcox      |
| Mr. Fonda     | Mr. Newkirk  | Mr. Wynant      |
| Mr. Frisbee   | Mr. Oakley   | Mr. A. W. Young |
| Mr. Garretson | Mr. Pardee   | Mr. J. Young    |
| Mr. Gifford   | Mr. Pierce   |                 |

89

And those who were absent are

|                  |               |                     |
|------------------|---------------|---------------------|
| Mr. Bailey       | Mr. E. Crosby | Mr. Mather          |
| Mr. Bevins       | Mr. Dayton    | Mr. Niven           |
| Mr. Billings     | Mr. De Puy    | Mr. Russell         |
| Mr. Boughton     | Mr. Gregory   | Mr. Skelton         |
| Mr. T. Buel      | Mr. Hall      | Mr. Thayer          |
| Mr. Bush         | Mr. Hammond   | Mr. Thompson        |
| Mr. Cameron      | Mr. Hannum    | Mr. Titus           |
| Mr. Carpenter    | Mr. Harden    | Mr. Tutbill         |
| Mr. Casner       | Mr. Harris    | Mr. Van Schoonhoven |
| Mr. Comstock     | Mr. Heermans  | Mr. Wells           |
| Mr. Constant     | Mr. Horton    | Mr. Whitney         |
| Mr. Crain        | Mr. T. R. Lee | Mr. Worden          |
| Mr. C. F. Crosby | Mr. McCarthy  | Mr. Wyckoff         |

39

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The bill entitled "An act to authorise the trustees of the village of Williamsburgh to raise money by loan or tax, to pay certain debts, and to provide for the speedy liquidation of certain disputed matters and claims in said village," was returned from the Senate.

*Ordered*, That the Clerk deliver the said bill to the Governor.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act in relation to the canals," without amendment.

*Ordered*, That the Clerk deliver the said bill to the Governor.

A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
*Albany, May 13, 1845.* }

TO THE ASSEMBLY.

I have this day approved and signed the bill entitled "An act to incorporate the village of Canton."

The bill entitled "An act to improve the post-road running from the Elephant hotel in the town of Somers, to the village of Peekskill."

The bill entitled "An act authorising the inhabitants of Littlefalls to borrow money."

The bill entitled "An act to change the name of Edwin Lucian Cady."

The bill entitled "An act in relation to stocks in monied corporations, held by the State, or by literary or charitable institutions."

The bill entitled "An act to incorporate the Williamsburgh Lyceum."



The bill entitled "An act to confirm the official acts of Philip Lazell, a justice of the peace."

The bill entitled "An act to change the names of Stewart Skillman and Sarah Lispenard Skillman."

The bill entitled "An act to incorporate the Spencertown Academy."

The bill entitled "An act to incorporate the Fonda Academy."

The bill entitled "An act to construct a bridge over Buffalo creek, on the Abbott's road, in the county of Erie."

The bill entitled "An act to amend an act entitled 'An act relative to the expenses incurred in enforcing the laws and preserving order in the counties of Delaware and Ulster,' passed April 14th, 1845."

And the bill entitled "An act to condense and amend the several acts relating to the village of Geneseo."

SILAS WRIGHT.

On motion of Mr. M. Brooks,

The House proceeded to the consideration of the motion made on a preceding day, to reconsider the vote on the final passage of the bill from the Senate, entitled "An act to punish and prevent frauds in the use of false stamps and labels."

Mr. Speaker put the question whether the House would agree to the said motion, and it was determined in the affirmative.

Mr. M. Brooks then called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Whereupon,

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.

|   |        |    |
|---|--------|----|
| { | AYES   | 52 |
|   | NAYS   | 43 |
|   | ABSENT | 33 |

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |                |               |
|-----------------|----------------|---------------|
| Mr. Bachman     | Mr. Hine       | Mr. Porter    |
| Mr. Bevens      | Mr. Howard     | Mr. Raymond   |
| Mr. Blake       | Mr. Hunt       | Mr. Rogers    |
| Mr. Bloss       | Mr. Huntington | Mr. Ross      |
| Mr. Bowen       | Mr. Johnson    | Mr. Russell   |
| Mr. J. Brooks   | Mr. Jones      | Mr. Sager     |
| Mr. M. Brooks   | Mr. T. R. Lee  | Mr. Salisbury |
| Mr. S. A. Brown | Mr. Litchfield | Mr. Searing   |
| Mr. Carpenter   | Mr. Long       | Mr. Sears     |
| Mr. Danforth    | Mr. McDonald   | Mr. Skelton   |
| Mr. Fellows     | Mr. M'Vean     | Mr. W. Smith  |

|              |             |                     |
|--------------|-------------|---------------------|
| Mr. Fenn     | Mr. Morris  | Mr. Spring          |
| Mr. Fonda    | Mr. Moulton | Mr. R. L. Stevenson |
| Mr. D. Gould | Mr. Niven   | Mr. Tefft           |
| Mr. Hammond  | Mr. Oakley  | Mr. Thompson        |
| Mr. Hannum   | Mr. Pardee  | Mr. Tibbits         |
| Mr. Harden   | Mr. Pierce  | Mr. Titus           |
| Mr. Hervey   |             |                     |

52

Those who voted in the negative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bagg        | Mr. Frisbee      | Mr. Rice            |
| Mr. Barber      | Mr. Garretson    | Mr. Sherman         |
| Mr. Belts       | Mr. G. Gould     | Mr. J. Stevenson    |
| Mr. Brower      | Mr. Jarvis       | Mr. Strobbridge     |
| Mr. A. H. Buell | Mr. Kinne        | Mr. Sweeney         |
| Mr. Bunker      | Mr. Knapp        | Mr. Van Schoonhoven |
| Mr. Burdick     | Mr. D. Lee       | Mr. Van Valkenburgh |
| Mr. Chase       | Mr. M'Carthy     | Mr. Walrath         |
| Mr. Coe         | Mr. Mann         | Mr. Wheeler         |
| Mr. Collins     | Mr. Mather       | Mr. White           |
| Mr. Constant    | Mr. Mersereau    | Mr. Wilcox          |
| Mr. Culver      | Mr. C. B. Miller | Mr. Wyckoff         |
| Mr. Dickson     | Mr. S. Miller    | Mr. Wynant          |
| Mr. Edwards     | Mr. Morrison     | Mr. A. W. Young     |
| Mr. Field       |                  |                     |

43

And those who were absent are

|                  |               |                 |
|------------------|---------------|-----------------|
| Mr. Bailey       | Mr. E. Crosby | Mr. M'Key       |
| Mr. Billings     | Mr. Dayton    | Mr. Newkirk     |
| Mr. Boughton     | Mr. De Puy    | Mr. Preston     |
| Mr. L. H. Brown  | Mr. Dewey     | Mr. A. C. Smith |
| Mr. T. Buel      | Mr. Gifford   | Mr. Speaker     |
| Mr. Bush         | Mr. Gregory   | Mr. Thayer      |
| Mr. Cameron      | Mr. Hall      | Mr. Tutthill    |
| Mr. Casner       | Mr. Harris    | Mr. Wells       |
| Mr. Comstock     | Mr. Hazelton  | Mr. Whitney     |
| Mr. Crain        | Mr. Heermans  | Mr. Worden      |
| Mr. C. F. Crosby | Mr. Horton    | Mr. J. Young    |

33

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

Mr. Crain, from the committee on ways and means, asked for and obtained leave to bring in a bill, entitled "An act to provide for the payment of certain expenses of government;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Fonda moved to make the said bill a special order for this afternoon, immediately after the disposal of the bill relating to the ferries between the city of New-York and Long Island.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Fonda, and it was determined in the affirmative.

On motion of Mr. Jones,

The House then took a recess until half past three o'clock this afternoon.

---

### HALF PAST THREE O'CLOCK P. M.

The House again met.

A resolution of the Senate was received and read, in the words following, to wit :

*Resolved*, (if the Assembly concur,) That the tenth joint rule of the Senate and Assembly be so far suspended, as to permit the bill entitled "An act in relation to contracts with railroad companies," to be sent to the Assembly for concurrence.

Thereupon,

*Resolved*, That the Assembly do concur with the Senate in their said resolution.

*Ordered*, That the Clerk return the said resolution to the Senate, and inform them that the Assembly have concurred in the same.

The said bill, entitled "An act in relation to contracts with railroad companies," having been accordingly received from the Senate, was read the first time, and by unanimous consent was also read a second time, and referred to the committee on railroads.

A message from the Senate was received and read, informing that they had concurred in the resolution of the Assembly to suspend the tenth joint rule, so far as to permit the bill entitled "An act to incorporate the Wilson Academy," to be sent to the Senate for concurrence.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act to amend the Revised Statutes, relative to procuring abortions," with the accompanying amendments.

The said bill and amendments were read ; and the amendments having been again read,

*Resolved*, That the Assembly do concur with the Senate in their amendments to the said bill.

*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred with them in the said amendments, and amended the bill accordingly.

The bill entitled "An act to amend an act in relation to the Natural History of New-York," was returned from the Senate.

*Ordered*, That the Clerk deliver the said bill to the Governor.

A message from the Senate, with the bill and amendments therein mentioned, was received and read, informing that the Senate had concurred in the amendments of the Assembly to the bill entitled "An act to amend the law in relation to suits against foreign corporations," and amended the bill accordingly.

The said amended bill having been examined,

*Ordered*, That the Clerk return the same to the Senate.

A message from the Senate, with the bill and amendments therein mentioned, was received and read, informing that the Senate had concurred in the amendments of the Assembly to the bill entitled "An act providing for the distribution of copies of the general index of the documents and laws of the State, and the census of the United States," with sundry additional amendments thereto therewith delivered.

The said bill and amendments were read; and the amended amendments having been again read,

*Resolved*, That the Assembly do concur with the Senate in their amendments to the amendments of the Assembly to the said bill.

*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred with them in their amendments to the amendments of the Assembly to the said bill.

A message from the Senate was received and read, informing that they had rejected the bill therewith returned, entitled "An act for the relief of Mary Ann Van Riper."

Mr. Morrison, from the committee of conference on the part of the Assembly, on the bill entitled "An act to provide for the removal of cases decided by the Canal Board, to the Supreme Court, by certiorari," and the amendments of the Senate thereto, which are the subject of disagreement between the two houses, reported, that they had conferred with the committee on the part of the Senate, and agreed upon certain amendments which they now submitted to the house.

The said amendments having been read,

*Resolved*, That the House do agree to the amendments made to the said bill by the committee of conference.

A copy of a resolution of the Senate was received and read, in the words following, to wit:

*Resolved*, That the Senate do concur in the amendments proposed by the committee of conference to the bill entitled "An act to provide for the removal of cases decided by the Canal Board, to the Supreme Court, by certiorari."

*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred in the said amendments made by the committee of conference, and amended the bill accordingly.

Mr. Van Valkenburgh, from the select committee to which was referred the bill from the Senate, entitled "An act in relation to the contracts of railroad companies," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Chase moved that the said bill be now read the third time.

Mr. Harris objected to the reception of the said motion.

The Chair decided that the said motion could not be entertained by the House, without unanimous consent.

Mr. Van Schoonhoven appealed from the decision of the Chair.

Debates were had thereon; when

Mr. Van Schoonhoven withdrew his appeal.

Mr. Comstock moved that the said bill be ordered to a third reading.



Mr. Speaker put the question whether the House would agree to the said motion of Mr. Comstock, and it was determined in the affirmative.

|   |        |     |
|---|--------|-----|
| { | AYES   | 103 |
|   | NAYS   | 03  |
|   | ABSENT | 22  |

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Bagg         | Mr. Gifford    | Mr. Oakley          |
| Mr. Bailey       | Mr. D. Gould   | Mr. Pierce          |
| Mr. Barber       | Mr. G. Gould   | Mr. Porter          |
| Mr. Betts        | Mr. Gregory    | Mr. Preston         |
| Mr. Bevins       | Mr. Hannum     | Mr. Rice            |
| Mr. Billings     | Mr. Harden     | Mr. Rogers          |
| Mr. Blake        | Mr. Harris     | Mr. Ross            |
| Mr. Bloss        | Mr. Hazelton   | Mr. Russell         |
| Mr. Boughton     | Mr. Heermans   | Mr. Sager           |
| Mr. J. Brooks    | Mr. Hervey     | Mr. Searing         |
| Mr. Brower       | Mr. Hine       | Mr. Sears           |
| Mr. L. H. Brown  | Mr. Horton     | Mr. Sherman         |
| Mr. S. A. Brown  | Mr. Howard     | Mr. Skelton         |
| Mr. A. H. Buell  | Mr. Hunt       | Mr. A. C. Smith     |
| Mr. Bunker       | Mr. Huntington | Mr. W. Smith        |
| Mr. Burdick      | Mr. Jarvis     | Mr. Speaker         |
| Mr. Carpenter    | Mr. Johnson    | Mr. Spring          |
| Mr. Casner       | Mr. Jones      | Mr. J. Stevenson    |
| Mr. Chase        | Mr. Kinne      | Mr. R. L. Stevenson |
| Mr. Coe          | Mr. Knapp      | Mr. Strobridge      |
| Mr. Collins      | Mr. D. Lee     | Mr. Sweeney         |
| Mr. Comstock     | Mr. T. R. Lee  | Mr. Tefft           |
| Mr. Constant     | Mr. Litchfield | Mr. Thompson        |
| Mr. Crain        | Mr. Long       | Mr. Tuthill         |
| Mr. C. F. Crosby | Mr. M'Donald   | Mr. Van Schoonhoven |
| Mr. Culver       | Mr. M'Vean     | Mr. Van Valkenburgh |
| Mr. Danforth     | Mr. Mann       | Mr. Walrath         |
| Mr. Dewey        | Mr. Mersereau  | Mr. Wheeler         |
| Mr. Dickson      | Mr. S. Miller  | Mr. White           |
| Mr. Edwards      | Mr. Morris     | Mr. Whitney         |
| Mr. Fellows      | Mr. Morrison   | Mr. Wilcox          |
| Mr. Fenn         | Mr. Moulton    | Mr. Wyckoff         |
| Mr. Field        | Mr. Newkirk    | Mr. Wynant          |
| Mr. Frisbee      | Mr. Niven      | Mr. A. W. Young     |
| Mr. Garretson    |                |                     |

103

Those who voted in the negative are

|           |          |             |   |
|-----------|----------|-------------|---|
| Mr. Bowen | Mr. Bush | Mr. Raymond | 3 |
|-----------|----------|-------------|---|

And those who were absent are

|               |                  |               |
|---------------|------------------|---------------|
| Mr. Bachman   | Mr. Hall         | Mr. Salisbury |
| Mr. M. Brooks | Mr. Hammond      | Mr. Thayer    |
| Mr. T. Buel   | Mr. M'Carthy     | Mr. Tibbits   |
| Mr. Cameron   | Mr. M'Key        | Mr. Titus     |
| Mr. E. Crosby | Mr. Mather       | Mr. Wells     |
| Mr. Dayton    | Mr. C. E. Miller | Mr. Worden    |
| Mr. De Puy    | Mr. Pardee       | Mr. J. Young  |
| Mr. Fonda     |                  |               |

22

By unanimous consent, on motion of Mr. Russell,

The said engrossed bill from the Senate, entitled "An act in relation to the contracts of railroad companies," was then read the third time.

Mr. C. F. Crosby called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Whereupon,

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The engrossed bill from the Senate, entitled "An act to establish and regulate ferries between the city of New-York and Long Island," was read the third time.

Debates were had thereon; when

Mr. Jones called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Whereupon,

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 81 | } |
| { | NAYS   | 20 | } |
| { | ABSENT | 27 | } |

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|              |              |             |
|--------------|--------------|-------------|
| Mr. Bachman  | Mr. Gifford  | Mr. Newkirk |
| Mr. Bagg     | Mr. D. Gould | Mr. Pardee  |
| Mr. Betts    | Mr. G. Goold | Mr. Pierce  |
| Mr. Billings | Mr. Gregory  | Mr. Porter  |
| Mr. Blake    | Mr. Hammond  | Mr. Preston |

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Boughton    | Mr. Hannum       | Mr. Raymond         |
| Mr. Bowen       | Mr. Harden       | Mr. Rice            |
| Mr. J. Brooks   | Mr. Harris       | Mr. Rogers          |
| Mr. M. Brooks   | Mr. Hazelton     | Mr. Russell         |
| Mr. Brower      | Mr. Heermans     | Mr. Sager           |
| Mr. L. H. Brown | Mr. Hervey       | Mr. Salisbury       |
| Mr. S. A. Brown | Mr. Hine         | Mr. Searing         |
| Mr. Bunker      | Mr. Horton       | Mr. Sears           |
| Mr. Burdick     | Mr. Howard       | Mr. Skelton         |
| Mr. Cameron     | Mr. Huntington   | Mr. A. C. Smith     |
| Mr. Carpenter   | Mr. Jones        | Mr. W. Smith        |
| Mr. Chase       | Mr. Kinne        | Mr. J. Stevenson    |
| Mr. Comstock    | Mr. Knapp        | Mr. R. L. Stevenson |
| Mr. Crain       | Mr. D. Lee       | Mr. Strobbridge     |
| Mr. Danforth    | Mr. Litchfield   | Mr. Sweeney         |
| Mr. Dewey       | Mr. Long         | Mr. Tefft           |
| Mr. Dickson     | Mr. M'Carthy     | Mr. Thayer          |
| Mr. Edwards     | Mr. M'Donald     | Mr. Tibbits         |
| Mr. Fellows     | Mr. Mann         | Mr. Walrath         |
| Mr. Field       | Mr. C. B. Miller | Mr. Whitney         |
| Mr. Fonda       | Mr. S. Miller    | Mr. Wyckoff         |
| Mr. Frisbee     | Mr. Morris       | Mr. Wynant          |

81

Those who voted in the negative are

|                  |               |              |
|------------------|---------------|--------------|
| Mr. Bailey       | Mr. Jarvis    | Mr. Ross     |
| Mr. Coe          | Mr. T. R. Lee | Mr. Thompson |
| Mr. Constant     | Mr. M'Key     | Mr. Wheeler  |
| Mr. C. F. Crosby | Mr. M'Vean    | Mr. White    |
| Mr. De Puy       | Mr. Morrison  | Mr. Wilcox   |
| Mr. Garretson    | Mr. Moulton   | Mr. J. Young |
| Mr. Hunt         | Mr. Oakley    |              |

20

And those who were absent are

|                 |               |                     |
|-----------------|---------------|---------------------|
| Mr. Barber      | Mr. Culver    | Mr. Speaker         |
| Mr. Bevens      | Mr. Dayton    | Mr. Spring          |
| Mr. Bloss       | Mr. Fenn      | Mr. Titus           |
| Mr. A. H. Buell | Mr. Hall      | Mr. Tathill         |
| Mr. T. Buel     | Mr. Johnson   | Mr. Van Schoonhoven |
| Mr. Bush        | Mr. Mather    | Mr. Van Valkenburgh |
| Mr. Casner      | Mr. Mersereau | Mr. Wells           |
| Mr. Collins     | Mr. Niven     | Mr. Worden          |
| Mr. E. Crosby   | Mr. Sherman   | Mr. A. W. Young     |

27

Mr. Bailey moved a reconsideration of the said vote.

Mr. Morrison moved to lay the said motion of Mr. Bailey upon the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Morrison, and it was determined in the negative.

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 16 | } |
| { | NAYS   | 76 | } |
| { | ABSENT | 36 | } |

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|              |               |              |
|--------------|---------------|--------------|
| Mr. Barber   | Mr. Garretson | Mr. Mann     |
| Mr. Constant | Mr. Hunt      | Mr. Morrison |
| Mr. De Puy   | Mr. Jarvis    | Mr. Oakley   |
| Mr. Dewey    | Mr. T. R. Lee | Mr. Thompson |
| Mr. Edwards  | Mr. M'Vean    | Mr. J. Young |
| Mr. Fenn     |               |              |

16

Those who voted in the negative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Gifford      | Mr. Pardee          |
| Mr. Bagg         | Mr. D. Gould     | Mr. Pierce          |
| Mr. Bailey       | Mr. G. Gould     | Mr. Porter          |
| Mr. Betts        | Mr. Gregory      | Mr. Preston         |
| Mr. Billings     | Mr. Hannum       | Mr. Raymond         |
| Mr. Blake        | Mr. Harden       | Mr. Rice            |
| Mr. Boughton     | Mr. Heermans     | Mr. Rogers          |
| Mr. Bowen        | Mr. Hervey       | Mr. Sager           |
| Mr. J. Brooks    | Mr. Hine         | Mr. Salisbury       |
| Mr. M. Brooks    | Mr. Horton       | Mr. Skelton         |
| Mr. Brower       | Mr. Howard       | Mr. A. C. Smith     |
| Mr. L. H. Brown  | Mr. Huntington   | Mr. W. Smith        |
| Mr. S. A. Brown  | Mr. Jones        | Mr. Spring          |
| Mr. Bunker       | Mr. Kinne        | Mr. J. Stevenson    |
| Mr. Burdick      | Mr. Knapp        | Mr. R. L. Stevenson |
| Mr. Cameron      | Mr. D. Lee       | Mr. Strobbridge     |
| Mr. Carpenter    | Mr. Litchfield   | Mr. Sweeney         |
| Mr. Chase        | Mr. Long         | Mr. Thayer          |
| Mr. Comstock     | Mr. M'Carthy     | Mr. Tutuill         |
| Mr. C. F. Crosby | Mr. M'Donald     | Mr. Walrath         |
| Mr. Danforth     | Mr. C. B. Miller | Mr. Wheeler         |
| Mr. Dickson      | Mr. S. Miller    | Mr. White           |
| Mr. Fellows      | Mr. Morris       | Mr. Whitney         |
| Mr. Field        | Mr. Newkirk      | Mr. Wyckoff         |
| Mr. Fonda        | Mr. Niven        | Mr. Wyncant         |
| Mr. Frisbee      |                  |                     |

76

And those who were absent are

|                 |              |             |
|-----------------|--------------|-------------|
| Mr. Bevens      | Mr. Hall     | Mr. Sears   |
| Mr. Bloss       | Mr. Hammond  | Mr. Sherman |
| Mr. A. H. Buell | Mr. Harris   | Mr. Speaker |
| Mr. T. Buel     | Mr. Hazelton | Mr. Tefft   |



|               |               |                     |
|---------------|---------------|---------------------|
| Mr. Bush      | Mr. Johnson   | Mr. Tibbits         |
| Mr. Casner    | Mr. M'Key     | Mr. Titus           |
| Mr. Coe       | Mr. Mather    | Mr. Van Schoonhoven |
| Mr. Collins   | Mr. Mersereau | Mr. Van Valkenburgh |
| Mr. Crain     | Mr. Moulton   | Mr. Wells           |
| Mr. E. Crosby | Mr. Ross      | Mr. Wilcox          |
| Mr. Culver    | Mr. Russell   | Mr. Worden          |
| Mr. Dayton    | Mr. Searing   | Mr. A. W. Young 36  |

The question then recurred on the reconsideration of the said vote.

Debates were again had ; when

Mr. Russell moved that the House take a recess until eight o'clock this evening.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Russell, and it was determined in the affirmative.

The House then took a recess until eight o'clock this evening.

### EIGHT O'CLOCK P. M.

The House again met.

The bill entitled "An act providing for the removal of cases decided by the Canal Board, to the Supreme Court, by certiorari," was returned from the Senate.

*Ordered*, That the Clerk deliver the said bill to the Governor.

The House resumed the consideration of the bill entitled "An act to establish and regulate ferries between the city of New-York and Long Island;" the question being on the motion made by Mr. Bailey to reconsider the vote on the final passage of the said bill.

Debates were had thereon ; when

Mr. Bailey moved to lay the said question upon the table, until to-morrow morning at half past ten o'clock.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Bailey, and it was determined in the affirmative.

A message from the Senate was received and read, informing that they had concurred in the resolution of the Assembly, appointing a committee to examine the Treasurer's accounts.

A resolution of the Senate was received and read, in the words following, to wit :

*Resolved*, (if the Assembly concur,) That the tenth joint rule of the Senate and Assembly be so far suspended, as to permit the following bills to be sent by the Senate to the Assembly for concurrence, to wit :

"An act to authorise John Watts De Peyster to erect a dock adjoining his lands on the Hudson river ;"

"An act to authorise the appointment of a supreme court commissioner to reside in the town of Worcester in the county of Otsego ;"

"An act to incorporate the Union Mutual Insurance Company ;"

"An act to incorporate the Norwich Cotton and Woolen Manufacturing Company ;"

"An act to incorporate the Rochester Gaslight Company ;"

"An act to incorporate the Ausable and Saranac Plank or Macadamized Road and Internal Navigation Company ;"

"An act to authorise Archibald Russel to erect a dock or wharf in the Hudson river in the town of Esopus, adjoining his land ;"

"An act to incorporate the Provident Life Mutual Insurance Company of the city of New-York ;"

"An act authorising the appointment of a supreme court commissioner to reside in the county of Washington, and for other purposes ;"

"An act for the relief of Josiah Barber ;"

"An act to amend an act entitled 'An act for the relief of partners and joint debtors,' passed April 18th, 1838 ;"

"An act relative to the Syracuse and Utica Railroad Company ;" and

"An act relative to the Utica and Schenectady Railroad Company."

Thereupon,

*Resolved*, That the Assembly do concur with the Senate in their said resolution.

*Ordered*, That the Clerk return the said resolution to the Senate, and inform them that the Assembly have concurred in the same.

A message from the Governor, transmitting the bill therein mentioned, with his objections thereto, was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
Albany, May 13, 1845. }

### TO THE ASSEMBLY.

GENTLEMEN—A bill originating in your honorable body, entitled "An act in relation to the canals," has been placed before me for my approval and signature. I find myself unable to approve this bill, and therefore, in obedience to the Constitution, return it, with my objections.

The first section of the bill appropriates one hundred and ninety-seven thousand dollars from the revenues of the canals, and commands its payment by the Commissioners of the Canal Fund, for the following objects, and in the following proportions, namely :

1. Twenty-five thousand dollars "for the re-construction of such locks on the Crooked Lake canal" as the Canal Commissioners shall judge necessary to ensure the safety of navigation on that canal.

2. Eighty-two thousand dollars "for the purpose of completing and bringing into use such works on the Erie canal enlargement as the Canal Commissioners shall decide will best promote the interests of the State, and the facilities of navigation."

3. Fifty thousand dollars "to be expended upon the Genesee Valley canal, for the following objects, to wit :

1. "For the purpose of preserving the work on the Genesee Valley canal, which has been finished and not brought into use ;

2. "Or which has not been finished ;

3. "And the materials that have been procured and paid for, or estimated to contractors for such work ;

4. "And for the purpose of completing the construction of such portions of the unfinished work on the said canal, as the Canal Commissioners shall be of opinion will be the most economical for the interest of the State."

Twenty thousand dollars to be expended upon the Black River canal south of Boonville, for the same objects as those specified in relation to the Genesee Valley canal ;

And twenty thousand dollars to be expended upon the Black River canal north of Boonville, for the same objects.

I have used the language of the bill, as far as I could, and make my statement of the provisions clearly intelligible, and have stated fully and truly the provisions of the first section of it, if I understand them correctly.

Against the first expenditure authorized, namely, the reconstruction of such locks on the Crooked Lake canal as the Canal Commissioners shall judge necessary to ensure the safety of navigation on that canal, I make no objection. On the contrary, the information I have been able to obtain, induces the belief that the expenditure would be a proper one, and may become necessary to the navigation of the canal.

Against the second expenditure authorized for the purpose of completing and bringing into use such works on the Erie canal enlargement, as the Canal Commissioners shall decide will best promote the interest of the State, and the facilities of navigation, I should not find myself compelled to interpose objection. The enactment, it is true, does not follow the guarded precedent found in chap. 278 of the laws of the last session, where the rule of expenditure was a previous determination that it was better economy, and more for the interest of the State, to complete and bring into use the new work, than to repair and continue in use the old. Yet the information I have been able to obtain from official and authentic sources, authorizes the belief that the sum of eighty-two thousand dollars, proposed to be appropriated to this object, might be expended upon the Erie canal enlargement, in completing and bringing into use new locks and other structures, within the rule laid down in the act of the last year ; and the Legislature cannot entertain a stronger confidence than I do in the judgment of the board of Canal Commissioners, so to direct this expenditure as to bring it within this prudent rule, or as near as possible to it.

While the magnitude and condition of the public debt, and the state of the revenues applicable to its payment, shall be such as to require a continuance of the suspension of the public works, this rule appears to me to be manifestly the safe and proper one, as to the unfinished and partly completed new works : and if the enactment under consideration had left it to the judgment of the Canal Commissioners to complete and bring into use such works only, on the Erie canal enlargement, as would promote the interest of the State, and the facilities of navigation, the provision would have been less objectionable. It is not so. The mandate upon the Commissioners of the Canal Fund, to pay the



money appropriated, is imperative, and of course, as I suppose, the implied obligation upon the Canal Commissioners to expend it, upon the objects specified, is equally imperative. If they cannot find those objects, the completion and bringing into use of which will be "better economy and more for the interest of the State," "than it is to repair and continue in use the old works," in the language of the law of the last year, they must select such as, in their judgment, "will best promote the interest of the State, and the facilities of navigation," in the language of this bill. That is, if they cannot find those works, which can be completed and brought into use more economically and better for the interest of the State, than to repair and continue in use the old works, they must select those which they shall decide will come the nearest to this rule of expenditure. This is my understanding of the fair construction of the provision, and yet, as the information I have received satisfies me that the Canal Commissioners can find unfinished works upon the Erie canal enlargement, upon which the amount of this appropriation may be expended, without a violation of this safe rule, I should not be compelled to withhold my assent from this enactment of the bill.

I have come to the same conclusion in relation to the three first objects of expenditure upon the Genesee Valley canal, as they are found specified in the bill, and are above enumerated, viz :

1. To preserve the work which has been finished and not brought into use.

2. To preserve the work which has not been finished.

3. To preserve the materials that have been procured and paid for, or estimated to contractors for such work.

These are expenditures to preserve, protect, and save work which has been done at the public expense, and materials which were required in the prosecution of that work, up to the time of its suspension for the want of the necessary means to prosecute it to completion, and must therefore be considered as expenditures dictated by economy and the best interests of the State, if the works themselves and the materials for their further prosecution, at a future day, are worth preserving. Should this point be considered a questionable one, it is not a question for me to decide. That decision must be left to that Legislature, which, having the means at its command, shall be called upon to authorize the resumption and completion of these works. The present Legislature has, by the passage of this bill, pronounced its judgment in favor of the present preservation of the works and materials, in the condition in which the suspension has left them, and that judgment I am not disposed to resist. These provisions of the bill, therefore, if unconnected with others which are insuperably objectionable, I should approve.

The same remarks will be applicable to the appropriation for the Black River canal, so far as the expenditures are directed to be made for the preservation of the works and materials; and the language of the appropriation, referring to that for the Genesee Valley canal, is, "for the like purposes, and to be expended in the like manner."

This brings me to the provisions of the bill which I find myself  
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unable to approve. That relating to the Genesee Valley canal is enumerated above, under the fourth head of expenditure upon that canal, and is, by the force of the language last above quoted, in effect, repeated in reference to the Black River canal. The expenditure upon both is directed to be "for the purpose of completing the construction of such portions of the unfinished work on the said canal as the Canal Commissioners shall be of opinion will be the most economical for the interest of the State." This enactment I am compelled to consider as putting an end to the policy of a suspension of the public works, until the debt of the State shall be brought within the safe and certain power and control of its revenues, without taxation upon the people; and as a distinct resumption of those works, under circumstances quite as objectionable, in reference to the provisions and policy of the suspension act of 1842, and the other legislation, previous and subsequent, upon the same subject, as such a resumption would be, without any forms of limitation upon the expenditure.

I am well aware that this bill preserves the forms of limitation, and that its friends appear to have convinced themselves that its provisions are in strict accordance with the provisions and policy of the suspension act, and of course, I presume, with the other legislation to which I refer. In this view of the enactment in the bill, now under immediate consideration, I am wholly unable, after the most careful examination and mature reflection, to concur with those who hold these opinions, and hence my inability to approve and sign the bill itself, while this provision constitutes a part of it. I will proceed to state the grounds of my dissent, and my objections to the enactment, as concisely as shall be consistent with a clear and full understanding of them.

The assumption upon which the appropriation in the first section of the bill rests is, that there is a surplus of the canal revenues, equal to the sum thereby appropriated, over and above all the requirements of the suspension law of 1842, which surplus is open to the free disposal of the Legislature, without any infringement upon existing pledges of the public faith or any violation of the sound policy declared and established by the passage of the suspension act. At least it appears to me that the appropriation rests upon the assumption of these premises, and my objections grow out of my belief, that these premises are entirely erroneous.

In the first place, if the surplus assumed did, in fact, exist beyond the express requirements of the act of 1842, and beyond a sound and faithful adherence to the policy of that act, I do not think the Legislature could make the appropriation of it, for a resumption of the work upon the unfinished canals, without a direct infringement upon numerous and long existing pledges of the public faith, and pledges too, which are now pressingly calling for fulfilment and redemption.

The first of these pledges, to which I propose to refer, is that contained in the law authorizing the construction of the "Cayuga and Seneca canal," which was passed on the 20th day of April, 1825. That law declares that "the moneys appropriated shall form a part of the canal debt, and be repaid out of the Canal Fund."

On the same day, the 20th of April, 1825, a law was passed to authorize the construction of the "Oswego canal," which declares, "and the said funds hereby appropriated shall form a part of the canal debt, to be repaid by the Canal Fund."

At the time when these laws were passed, the terms "Canal Fund" had a definite signification, well known to the public creditors of the State, and to those who proposed to become such. It was that sacred fund, set apart and pledged by the constitution of the State, for the security of those who should make loans of money to it for the prosecution of its great undertakings, the completion of the Erie and Champlain canals. It was the fund which had embodied the public confidence, not merely in our own country, but in Europe also, and had raised the credit of the State to a proud elevation. A pledge of this fund, a promise of payment out of it, would be sure to command loans upon favorable terms, and without embarrassment, or delay. It would do that almost without a reflection as to the promise of productiveness of the work proposed to be constructed with the money advanced.

Those who scanned the constitution closely, or listened attentively to the discussions which attended the passage of these laws, were aware that the pledge of the constitution did not reach these appropriations; but they saw it declared that the Legislature possessed the power to pledge the fund, subject to the pledge which the constitution had placed upon it, and that these appropriations would be the first liens upon that rich fund when the constitutional pledge should be redeemed. These declarations were palpably true, and that they secured the confidence of the public was demonstratively manifested in the avidity with which capitalists sought and took the loans for the construction of these canals.

The law for the construction of the Chenango canal, passed on the 23d day of February, 1833, contains the next pledge upon this fund, to which I propose to refer. It authorizes the loaning of one million of dollars; declares that the loans made under it shall be paid after the close of the year 1845, "or sooner, if the debt now charged on the canal revenues shall have been paid;" and after pledging the tolls to be derived from the canal, when made, and all gifts, grants and donations which might be made to the State on account of the canal, as a fund for the payment of the interest and principal of the sums borrowed for its construction, contains this section:

"§ 7. If the funds appropriated in the preceding sections shall not prove sufficient to pay the costs and expenses of the Chenango canal, at the time when the certificates of stock shall become due, then it shall be the duty of the Commissioners of the Canal Fund to pay the same out of any moneys which may be on hand, belonging to the Canal Fund, which may not be pledged by the constitution of this State."

The last of the stock issued for the construction of the Erie and Champlain canals, was made redeemable on the first of July, 1845—July of the present year. Then the constitutional pledge was to be removed from the Canal Fund, by the final payment of the Erie and Champlain canal debt.

The whole of the stocks for the construction of the Oswego canal, \$421,304 in amount, and \$150,000 of those for the construction of the Cayuga and Seneca canal, were made redeemable on the 1st of July, 1846, just one year after the final payment of the Erie and Champlain canal debt, and the redemption of the Constitutional pledge.

The law above referred to, for the construction of the Chenango canal, required the \$1,000,000 of stock to be issued under it, to be made redeemable "after the year eighteen hundred and forty-five," which is to say, on the first day of January, 1846, six months before the Oswego and Cayuga and Seneca canal stocks would become payable, and directed the Commissioners of the Canal Fund "to pay the same out of any moneys which may be on hand belonging to the Canal Fund, which may not be pledged by the Constitution of this State."

Subsequent legislation, in furtherance of the construction of this canal, increased the amount of Chenango canal stocks redeemable on the first of January next, from \$1,000,000, authorized by the first act above referred to, to \$2,362,535.66; and that amount of Chenango canal debt is now payable on that day.

Here the pledges made in the laws authorizing the loans for the Cayuga and Seneca and Oswego canals, were completely circumvented, unless the Canal Fund should have the ability to redeem all the three pledges on the days named.

The Chenango stock was made first redeemable, and the direction to the Commissioners of the Canal Fund to pay it out of any moneys on hand "which may not be pledged by the Constitution of this State," gave to that stock positive priority, as the pledge in favor of the Cayuga and Seneca and Oswego stocks was not a constitutional, but a legislative pledge.

Is the Canal Fund to possess the ability to pay the \$2,362,535.66 of Chenango canal stock on the first day of January next, and the \$571,304 of Cayuga and Seneca and Oswego canal stocks, on the 1st day of July next, and to meet the appropriation made by the first section of this bill? No one expects it, or pretends that it can be so. It is not to be able to meet the payments of the stocks alone, in any way but by new loans, which are not yet authorized by any law.

Still, are not these pledges in favor of the holders of these stocks binding upon the faith and honor of the State? Are those made to the lenders of the money with which the Oswego, and Cayuga and Seneca canals were constructed, less solemn and obligatory, because a subsequent Legislature interposed a pledge in favor of the holders of a much larger amount of the Chenango stocks? So far from seeing any release from these solemn pledges of the public faith to private citizens, in this conflicting legislation, I am able to see only increased obligation, and especially upon this Legislature, the last which is to meet in the State, before the day of payment, under one of these pledges, is to arrive—the Legislature which must provide the means to redeem these pledges, or they must be forfeited.

I confess my inability to find anything in the suspension act of



1842, or in any other law, which releases us from the full obligations of all these pledges to our public creditors, and I cannot bring myself to believe that the oath I have taken, will permit me to consent to appropriations of the moneys of the Canal Fund to objects not indispensable to the preservation of the property of the fund and the productiveness of its revenues, in open disregard and willing violation of the faith of the people of the State, thus trebly pledged. It does not relieve my sense of duty, to say that the debts cannot be paid at the day, in any event, and that the only question is, whether we shall pay a comparatively small sum more, or less, on that day, as, in either case, our faith will be equally broken. The debtor who pays all it is in his power to pay, may claim to have saved his principles and his honor, though his faith and promise be broken, but he, who does less than this, may not be able to sustain this claim.

It has been said that these certificates of stock are not made payable upon any day certain, "but at the pleasure of the State," after a day named in the certificate, and therefore that the faith of the State is not pledged to pay at any precise period, but only when it pleases to pay after the day named. To my understanding, the faith and honor, and pleasure of the State, used in reference to obligations of this description, are, practically speaking, terms of like meaning and import. What is the obligation of the bond, or the promise of a sovereign state, but its pleasure? What is its faith, or its honor, but its pleasure? It pays its bond, or repudiates it, at its sovereign pleasure, and no power on earth, unless it be another and more powerful sovereign state, can coerce it, or enforce the bond. It fulfils its promise, or breaks it, precisely as its sovereign pleasure shall dictate, and who can bring suit, or levy an execution? It preserves its faith, and maintains its honor, or throws both to the winds to gratify its sovereign pleasure, and who shall set bounds to the indulgence of that "pleasure,?" Just as much then, is the obligation to pay at all dependent upon the pleasure of the State, as the time of that payment, when the day to make it is named in the bond. This language, in the obligation of a sovereign state to a citizen, was probably introduced in deference to the sovereignty of the august contracting party, and as a signification that it could not be coerced, and that its pleasure is its only pledge of payment. The phraseology is believed to be uniform in stocks of this description.

It is certainly uniform in the stocks of this State, and was inserted in all the scrip issued under the constitutional pledge, which was made to secure the payment of the Erie and Champlain canal stocks, as fully as it is found in the Chenango, Cayuga and Seneca, and Oswego stocks. Indeed all, or nearly all of our laws authorizing emissions of public stocks, refer to the "act to improve the funds and provide for the redemption of the funded debt of this state," and declare that the certificates of stock shall be issued in the manner directed by that act, and it prescribed the form of the certificate, and inserted the phrase payable at the pleasure of the State after a day named, which has universally, hitherto, been held by the whole world, and admitted by the State itself, to be the day of payment. This act was passed



in reference to the war debt, and long before any canal stocks were issued.

The same phraseology is believed to be universally inserted in all public stocks issued by the United States, and if the view which I have presented of the obligations of a sovereign state be sound, it is language as strongly obligatory as such a State can properly or usefully employ.

I find myself, however, relieved from the necessity of extending remarks farther upon this point, as a reference to the annual report of the Commissioners of the Canal Fund for the year 1841, Assembly Document No. 4, pages 38 and 39; to the like report for the year 1843, Assembly Document No. 26, page 3, and to the report of the committee of ways and means of the House of Assembly of 1842, Document No. 88, being the report upon which the suspension act of 1842 was predicated, pages 22 and 23, will present a body of authority, a force of argument, and a concurrence of opinion, settling the construction I put upon these certificates, if weight of character, and conceded financial experience and skill, drawn from both the great political parties of the State, can settle it. In those reports the palpable idea is strongly presented, that, under the opposite construction, the outstanding stocks of this State are practically irredeemable, and our present load of debt is to remain perpetually upon the tax payers of the State, in case it shall be the pleasure of each succeeding legislature to direct the means provided for its payment, to some new object of expenditure; a construction which our yeomanry, upon whom taxation always falls most heavily, will not be likely, willingly, to adopt, even where there is reasonable doubt.

Entertaining these views, I am constrained to consider these pledges as resting upon the moneys of the Canal Fund, after the constitutional pledge shall have been finally redeemed on the first day of July next, and that this Legislature cannot, without a direct infraction of them, divert these moneys, or any portion of them, to new objects of expenditure not connected with the protection and preservation of the property of the fund and its revenues, and leave these stocks unpaid at the times fixed for their payment. These are pledges, as it appears to me, above and beyond any provisions contained in the suspension law of 1842, or any provisions which could have been rightfully or properly enacted in that law or any other.

The law authorizing the construction of the Black River canal, passed on the 19th day of April, 1836, contains a pledge upon the Canal Fund in the precise language of that above copied from the Chenango law, with the addition of the words, "or not otherwise appropriated," thus obviating the conflict with prior pledges of a like character, which the provision in the Chenango law produced. The pledge in this case is, that the stocks shall be redeemed by the moneys of the Canal Fund, "which may not be pledged by the Constitution of this State, or otherwise appropriated," and stocks were issued to the amount of \$800,000 upon the faith of this pledge, and made redeemable on the 1st day of January, 1851.

An exactly similar pledge to that last recited is found in the law to

authorize the construction of the Genesee Valley canal, passed on the 6th day of May, 1836, and \$2,000,000 in amount of stocks, made redeemable on the 1st day of January, 1861, were issued under that law.

These again are pledges upon the Canal Fund and its revenues, older than the suspension act of 1842, and cannot, in justice to the holders of these stocks, or without an infraction of the public faith, be considered as released or weakened by any of the provisions of that law. There may be provisions of a like character in other laws authorizing loans for the various canals, as time has not permitted me to examine all that legislation, nor would a reference to other like pledges strengthen the argument which it has been the design of these references to present.

It is not contended that these pledges, resting upon the Canal Fund, interdict the Legislature from making any appropriations from the canal revenues for objects of new expenditure, until all these debts are paid, but simply, that the Legislature cannot, without an infraction of these pledges, equally unjust to the public creditors, and to the tax payers of the State, make such appropriations of the means necessary to meet these debts as they fall due, and at times, and in a manner directly calculated, either to defeat, or to postpone their payment. Hence this objection to this bill, as the moneys it proposes to appropriate, not connected with the preservation and security of existing works, or the improvement of existing navigation, but to progress with new works not expected to be brought into use by the expenditure of the appropriations, are imperiously required to meet the payment of the Chenango stocks falling due on the 1st day of January next, and the payment of which, on that day, in addition to the general obligation of payment arising out of the loan, was made an express pledge upon these moneys by the law authorizing the loan to be made.

In my annual message to the Legislature, I discussed this question in a more general manner, and derived my conclusion that the payment of those portions of the canal debt falling due, should control the resumption of the works upon the unfinished canals from the obligations arising out of the loans, and the duty to preserve the faith of the State involved in those obligations, independently of these special legislative pledges upon the Canal Fund moneys; and I still think that conclusion sound and irresistible, and only illustrated and enforced by these pledges, held out at the time of contracting the debt, to strengthen the confidence of the public creditors, upon the one side, and to give to the people of the State increased assurance of security against taxation, upon the other.

I will now proceed to examine this bill in connexion with the provisions of the law of 1842, called the suspension act, and the subsequent legislation, connected with, and affecting the construction of that law and the financial system and policy established by it.

And here I may as well make myself understood upon one point, in respect to which I have reason to suppose, from the provisions of the bill before me, there must be a difference of opinion between myself and a majority of the members of each branch of the Legislature.

The law of 1842, directs the institution of a Sinking Fund, which, it is assumed, would extinguish the then existing canal debt, in a period of twenty-two and an half years, as I suppose from the close of the fiscal year 1841, though the precise commencement of the term, within a fraction of a year, cannot be very material. That was the latest period to which the accounts could have been brought up, and calculations for any fraction of the subsequent fiscal year must have been mostly based upon very uncertain estimates. The point of difference, however, to which I allude, is this: The bill under consideration appears to me to assume, and to have been framed and supported upon the hypothesis that the policy, if not the express provisions of the law of 1842, requires that the canal debt should be paid in a period of twenty-two and an half years, and that it should not be paid in any shorter period, or at a rate, during any portion of that period, any more rapid than the regular wearing away of the Sinking Fund established by that act, would extinguish it. Hence, as I have supposed, the assumption, upon which the first section of the bill under consideration seems to have been framed, that all the canal revenues, not required to constitute that Sinking Fund, and meet the other payments expressly directed by that act, may be rightfully considered by the Legislature as a surplus in its hands, subject to any appropriation it may choose to make, irrespective of any provisions of law existing prior to the passage of the act of 1842, or any obligations of the debt created by such previous legislation.

From any such construction of the provisions or policy of the law referred to, I am compelled wholly to dissent. I can find no enactments in that law, which, in my judgment, either in terms, or by fair construction, or implication, release in any degree, or to any extent, either the general obligations to pay every portion of the debt, at the day originally stipulated, or the specific pledges imposed upon the Canal Fund moneys, which I have before recited. Neither have I been able to find anything in the policy marked out by this law, or indicated in the able report of the committee from which it emanated, and upon which it was based, to countenance at all the idea that the object, or the policy, was to postpone the payment of any portion of the debt, other than the temporary and unfunded, and to a great extent, unliquidated debt, then found to exist, and for the payment of which, then, or as it would fall due, no means were within the power of the State. So far from this, the principal labors of the committee are shown by the report to have been to devise the ways and means to meet the immediate and pressing demands upon the Canal Fund, for the interest upon the debt and the spring repairs to the canals; to place the temporary debt in a condition satisfactory to the public creditors, and manageable by the State, and to meet the payments of these very portions of the debt to fall due in 1845 and 1846. On page 23 of the report, the committee, referring to the annual report of the Commissioners of the Canal Fund of 1841, before alluded to, say that they "agree with the Commissioners in their conclusion, that there is no alternative but to provide for the payment of these certificates, at the times when they are redeemable." And on page 36 they



say, "until after 1845, therefore, there will be no canal surplus to be employed as a fund or means to pay interest on new canal loans." Again, on pages 42 and 43, the committee make a detailed statement of their anticipations of means to redeem these stocks, and close with this remark: "This would leave the sum of \$1,338,734.59 to be provided for the canals before or in 1845, after applying all available present means, the canal half mill tax, all surpluses from prospective canal tolls to accrue up to and in 1845, and after borrowing, as far as it can safely be done, from the specific funds."

After this view of the policy, which the committee thus expressly and repeatedly avows and advocates, as the policy to be established by the suspension act of 1842, it is impossible for me to conclude that that policy was a postponement of the payment of the canal debt, for the purpose of a resumption of the public works. The act itself bears upon its face no evidence, to my mind, of any such policy intended by that Legislature, and the report of the committee, upon which the law was based, advocates throughout a directly contrary policy.

As an additional evidence that no such policy could have been intended by the authors of this law, the act itself pledges the very revenues appropriated by the bill under consideration, if they can otherwise be considered surplus revenues, for the redemption of the stock to be issued under it. The seventh section of the act is in these words:

"§ 7. The loans herein before authorized to be made by the Commissioners of the Canal Fund, may, in the scrip to be issued therefor, be declared to be a charge on any money to be raised for canal purposes under the first section of this act, and on any surplus of canal revenue, after the payment of the interest on the canal debt and all expenses for current damages, superintendence, repairs and collections, on all the State canals."

This is a provision totally inconsistent with the idea that the Sinking Fund provided for in the act, was intended to be the sole reliance for the payment of the debt, and that any surplus of revenues, beyond the annual contributions to that Sinking Fund, and the other payments expressly required by the act, was to be expended upon the new works, regardless of the pre-existing obligations of the debt.

Again. It is assumed on all hands, that the policy and the provisions of the act of 1842, were to pay the canal debt in a period of twenty-two and an half years, even if its provisions, and its Sinking Fund, are only to be regarded in reference to that payment. Three years of that time, not to speak of fractions, have already passed away; and what has been the action of the law,—of its Sinking Fund, and of the subsequent legislation,—upon the debt to be paid.

The committee of ways and means, in their report before alluded to, estimated the amount of the canal debt, at the time of the passage of the suspension act of 1842, at \$19,056,466.22. This the committee made up in the following manner, namely:



|   |                        |
|---|------------------------|
| They found existing a stock debt of.....  | \$16,443,199 22        |
| They estimated the amount of temporary loans, not funded, at.....               | 1,613,267 00           |
| They estimated the arrearages due to contractors, for land damages, &c. at..... | 1,000,000 00           |
| Making the total assumed of.....  | <u>\$19,056,466 22</u> |

The committee are supposed to have based their anticipations upon this amount of debt, and yet, conscious of the uncertainty of their estimates, and of the vagueness of their information as to the outstanding and unliquidated claims in the bill they reported, (the suspension act,) they authorized loans for canal purposes to the amount of \$4,204,741.52, in six several specific sums, confined to specific objects of expenditure. Portions of some of these specific appropriations were not required for the objects for which the funds were set apart, but others were found to demand much more than the appropriations; and by two several laws, passed in the following year, 1843, (chapters 48 and 240 of the Laws of 1843,) a transfer of the money to different objects was authorized, and the stocks were directed to be issued, so that the canal debt has been increased to the full extent authorized by the suspension act of 1843. Beyond this, the act, chapter 314 of the Laws of 1844, authorized a further loan of \$900,000; the whole of which stock, except \$45,000, has been issued, and now constitutes a part of the canal stock debt; and I am informed by the Commissioners of the Canal Fund, that the \$45,000 will be required in the course of the current year, and that in all probability, a still further loan will become necessary to meet the objects for which the \$900,000 were appropriated.

A statement of the present canal stock debt will, therefore, stand as follows:

|   |                 |
|---|-----------------|
| The stock debt existing at the time of the passage of the act of 1842,..... | \$16,443,199 22 |
| Stock issued under the act of 1842, .....                                   | 3,647,136 00    |
| Stock issued under the act chapter 48, of the Laws of 1843, .....           | 320,000 00      |
| Stock issued under the act chapter 240, of the Laws of 1843, .....          | 300,000 00      |
| Stock issued under the act chapter 314, of the Laws of 1844, .....          | 855,000 00      |

|   |                     |
|---|---------------------|
| Making a total amount of .....  | \$21,565,335 22     |
| Less the amount of the Erie and Champlain old stock, redeemed since the passage of the act of 1842, ..... | \$994,137 68        |
| Less Chemung canal stock redeemed, .....  | 15,000 00           |
| Less Erie canal enlargement stock redeemed, .....   | 6,000 00            |
|   | <u>1,015,137 68</u> |

Leaving a present balance of canal stock debt of... \$20,550,197 54

It will be recollected that funds had been set apart, long before the year 1842, for the entire payment and redemption of the old Erie and Champlain canal debt. At the time of the passage of the act of 1842, it was found that a very large proportion of those moneys having been deposited in banks as a mode of investment, had become unavailable by reason of the inability of the banks to pay the deposits. The report of the committee of ways and means so frequently heretofore referred to, at pages 23, 24 and 25, will give the condition of these funds at the time of the passage of the law of 1842, and one of the specific loans authorized by that act was the sum of \$400,000 (subdivision 6, of § 5,) to supply any deficiency which might prove to exist in them, by reason of the unavailable condition of portions of the moneys. The amount of the old Erie and Champlain canal debt, then unredeemed, was \$2,010,679.99, as stated in the report of the committee, page 22. The amount of that debt now outstanding and unredeemed, as ascertained from the Comptroller's books, is \$1,016,542.31, showing that \$994,137.68 of this old debt has been redeemed since the passage of the suspension law. To make these redemptions, and secure the amount of funds necessary to extinguish this debt, on the first day of July next, but \$100,000.00 have been used out of the appropriation of \$400,000.00 made by the act of 1842, the remaining \$300,000.00 of this appropriation having been transferred by the act, chapter 240, of the Laws of 1843, to the payment of arrearages to contractors and other demands against the canals.

The redemption of the \$15,000.00 of the Chemung canal stock was made under the provisions of the act chapter 183, of the Laws of 1842, and of \$6,000.00 of Erie Canal Enlargement stock, under the provisions of the act chap. 308, of the Laws of 1842, both laws merely permitting contractors to surrender stocks, which had been issued to them in payment under their contracts, but which were below par, and to be paid under the provisions of the suspension act of 1842, either in money, or in a stock bearing a higher rate of interest. This operation, therefore, was only a redemption of stock in form, and did not diminish the debt of the State, one dollar, but in effect increased it by increasing the amount of stock to be issued under the suspension act bearing a higher rate of interest.

Hence the conclusion is reached that not one dollar of the State stock debt has been in fact paid off, and the stock redeemed, since the passage of the suspension law of 1842, except the \$994,137.68 of the old Erie and Champlain canal debt, and that the whole of that amount, save \$100,000, has been paid from funds on hand and set apart for that object at the time of the passage of that law.

What means have been accumulated since the passage of this suspension act and the establishment of its Sinking Fund, applicable to the payment of any part of this existing debt of... \$20,557,197 54  
The Sinking Fund, if permitted to retain the whole surplus of canal tolls for the years 1842, 1843 and 1844, and the whole amount received from the mill tax for canal purposes, allowing an interest at

Carried forward....

|   |                 |
|---|-----------------|
| Brought forward.....  | \$20,557,197 54 |
| the rate of five per cent upon the accumulations<br>of the two first years, possessed at the close of the<br>last fiscal year, applicable to the payment of the<br>canal debt, means amounting to ..... | 1,193,551 60    |
| Leaving a balance of the debt unprovided for by<br>these means, of .....  | 19,356,645 94   |
| In this balance of debt is included the whole remain-<br>ing portion of the old Erie and Champlain canal<br>debt, which has before been shown to be .....   | 1,016,542 31    |
| And which being deducted, will leave a balance over<br>and above the old debt, of .....   | \$18,340,103 63 |

This balance of debt is wholly unprovided for by any present means, after applying all the surplus means of the Canal Fund for the three years, and the \$278,197.56, derived from the direct tax upon the people, a balance \$1,896,904.41 larger than the whole stock debt when the suspension act was passed, and \$1,294,317.60 more than the committee of ways and means, who reported that law, estimated the entire amount of the canal debt to be at that time, exclusive of the balance of the Erie and Champlain canal debt.

The funds set apart for the payment of the old debt now amount upon paper, to ..... \$1,450,773 71  
Of these funds now unavailable, the amount is..... 530,980 22

Leaving an available balance of..... \$919,793 49

The amount of this old debt to be redeemed between this time and the first day of July next, as has been before stated,  
is ..... \$1,016,542 31  
Deduct the available balance above, ..... 919,793 49

And there will remain a balance of this old debt,  
without available funds now in hand to meet it, of ..... \$96,748 82

The large amount of unavailable means above mentioned, and applicable to the payment of this balance of debt, consists mostly of deposits made with banks which have failed, or are in a deeply embarrassed condition, and unable to make present payment. The Safety Fund is supposed to be liable, in cases where the banks have absolutely failed; and a law of the present session, authorizing the emission of a stock to anticipate the contributions by the banks to this fund, it is believed, may give availability to a considerable portion of these means, within the present fiscal year. It is probable that this process may be perfected in time to bring means from this source to meet the balance of the debt which will become due and payable on the 1st of July next, and that a balance may be returned to the Canal Fund, before the close of the fiscal year, more than sufficient to repay to it the



\$100,000 borrowed under the law of 1842 to meet the redemption of this debt.

Such is the present condition of the canal debt, without taking \$197,000 from its revenues to commence anew the public works, and the facts stated, as it appears to me, conclusively show that the operations of the law of 1842 have not yet been able to commence a reduction of this debt, and only to retard its increase, although very nearly one 7th part of the whole twenty-two and an half years have expired, and about one-seventh part of the debt ought to have been paid, or the means to pay that portion of it ought to have been accumulated. An application of all those means, as has been before seen, leaves a balance of debt all but as large as the whole estimate of debt, funded and unfunded, when that law was passed. The spirit and intention of that act was certainly to extinguish finally this debt in the twenty-two and an half years; and if that spirit and intention be observed, is there a surplus of the canal revenues now on hand authorizing a recommencement of the work upon the unfinished canals? To me no proposition seems more clear than that there is no such surplus; but, on the contrary, that there is no prospect of an extinguishment of the debt within the time limited, even with the application of the whole canal revenues, unless the regular annual increases of the debt itself can be arrested. Certainly, then, I cannot believe that the express provisions or the spirit of the law will be observed, in a diversion of any portion of these revenues to new works, in the present state of the debt and liabilities of the fund.

On the 1st day of January next, there becomes due and payable of the stocks issued for the construction of the Chenango canal, the amount of..... \$2,362,535 66

If the whole accumulation of the Sinking Fund under the act of 1842, as before stated, be applied to this object, ..... 1,193,551 60

There will remain unprovided for, ..... \$1,168,984 06

If the whole amount of the unavailable funds mentioned above could be made available by January next, (a result not to be expected,) there would be a balance from that source, after completing the payment of the old debt, of..... 434,231 40

This being applied, would still leave a balance of... \$734,762 66

This is a sum larger by \$163,475.15 than the whole surplus of the canal revenues of the last year, over and above the current payments charged upon them, independently of any payment to the Sinking Fund and those revenues for the last year, largely exceeded any former example. Here, therefore, is certainly no surplus on hand, and none to be anticipated at the close of the present fiscal year, unless the payment and redemption of this stock is to be deferred, for the purpose of applying our means to new expenditures.

In my annual message to the Legislature, I assumed that the amount



of interest actually paid upon the canal debt during the fiscal year ending on the 30th of September, 1844, as reported to me from the Canal Department, was the true sum by which to determine the amount to be contributed to the sinking fund established by the act of 1842, and that one-third of that sum was the measure of that contribution. Comparing the revenues of that fiscal year with the expenses, including this contribution thus ascertained, I arrived at a surplus of the revenues for that year, of \$197,179.39. In a subsequent paragraph it was stated that the revenues for 1842 and 1843 were deficient in contributions to the Sinking Fund; but added that including the amount received from the tax, the interest upon the sums contributed to the fund, and the whole surplus of that year, the aggregate would be more than one third of the interest upon the debt, for the three years.

Those remarks will show what was the fact, that I was not very conversant with the institution and management of a Sinking Fund; that I had not regarded with sufficient care the provision of the act of 1842 upon that point, and that I had not examined at all a subsequent law, giving a construction to that provision in an important particular. From the sum assumed as an existing surplus in the bill under consideration, I cannot but apprehend that I may have been unintentionally instrumental in misleading the Legislature, or some of its members, upon this point. If that be so, while I most deeply regret the fact, it is the more imperiously my duty now to correct the erroneous impressions.

Upon inquiry, I find that to establish the Sinking Fund provided for, it was held necessary to take the debt at some specified period, and that the design was to select the period when it was believed to have reached its maximum; to ascertain the actual interest for one year upon the stocks composing that debt, according to the several rates of interest upon the different descriptions of stock, the one third of which aggregate amount of interest would be the fixed sum to be contributed from the surplus of canal revenues, for each of the twenty-two and an half years of the term; that, according to the provisions of the law, these annual contributions were to be made from the canal revenues proper, and not from the avails of the tax, and that the interests annually accruing upon the capital of the Sinking Fund, could not properly be included to determine whether the limit of contributions to the fund for any given term of years, had been reached. Careful examination has satisfied me that these points have been correctly determined, and that another point, namely, that any deficiency in these revenues for any given year, to make the required contribution of the fixed sum to this fund, must be supplied by the first accruing surplus of a subsequent year, has also been correctly decided. A moment's reflection will satisfy every mind that a Sinking Fund, to accomplish the payment of a given debt in a given period, must be supplied and its accumulations sustained with mathematical regularity and precision. In reference to this case, the last Legislature, by § 4 of the act chap. 314, of the Laws of 1844, have put an end to dispute as to the construction to be given to the act of 1842, in this respect, by direct-

ing that the contributions to this Sinking Fund from the surplus of canal revenues over and above the current expenses charged upon them, shall be such as will pay the debt in twenty-two and an half years from the passage of the act of 1842, and that any deficiencies in the Sinking Fund for previous years shall be supplied from such surplus revenues. These points being established, it will be easy to see whether any surplus in fact remains, after complying with the requirements of this law.

At the period selected for the establishment of this Sinking Fund, the amount of the debt was \$20,710,335.22, and the actual interest for one year upon the stocks which composed it, was \$1,127,728.16. The one-third of this interest is the fixed sum which the law requires should be annually contributed to compose the capital of the Sinking Fund to be established, which third of the interest amounts to \$375,909.38. Three times this amount is the sum which the canal revenues should have contributed for the three fiscal years, 1842, 1843, and 1844, the one equal third at the close of each year, and which would have made the capital of the fund on the 30th day of September, 1844, exclusive of any accumulations of interest upon that capital, amount to..... \$1,127,728 14

The actual contributions to this fund from the canal revenues for the three years, have been as follows:

For the year 1842, being the whole sur-

|    |       |    |       |             |            |
|----|-------|----|-------|-------------|------------|
|    |       |    | plus, | \$68,504 61 |            |
| do | 1843, | do |       | 255,762 09  |            |
| do | 1844, | do |       | 571,277 51  |            |
|    |       |    |       | <hr/>       | 895,544 21 |

Leaving a deficiency of contributions for the three years to meet the positive requirements of this law, taking capital alone into consideration, of... \$232,183 93

This carries to the Sinking Fund the whole surplus of the last year, including the 197,000 appropriated by the bill under consideration, and yet the express provisions and requirements of the suspension act of 1842, are not complied with by the large sum above named.

And still this sum is too small. The mere contributions of capital to the Sinking Fund will not enable it to wear out the debt. The regular annual accumulations of interest upon that capital must be added to the principal at the close of each year, and thus form a new and enlarged capital again to accumulate interest for the subsequent year; and where deficiencies exist in the contribution of the fixed sum to the capital in any given year, the interest which should have accumulated upon the deficient capital, for the time it is withheld, must be as faithfully supplied as the capital itself, or the power of the fund is impaired, and the payments required from it cannot be made.

Time has not enabled me to bring up the castings of interest in this case, nor have I deemed it material to do so, as enough is shown to put at rest the possible existence of the surplus assumed, and appropriated by the bill now submitted to me. On the contrary, the de-

ficiencies in the capital of this Sinking Fund are now large, and the additions of the deficient interests would swell the sum of deficient revenue by a number of thousands of dollars.

Still another lien rests upon our surplus canal revenues, which must be met before any portion of those revenues can be diverted from the canal debt, if the faith of the State to the public creditors and to its tax paying citizens is to be preserved.

The law, chapter 314 of 1844, before referred to, authorizes a new debt, imposes a new tax, and institutes a new Sinking Fund to redeem the debt it creates. The first section authorizes a loan beyond the provisions of the act of 1842, of \$900,000. The third section imposes a tax of one tenth of a mill on the dollar of the valuation of real and personal estate within the State, for the payment of the interest, and the reimbursement of the principal of this loan. The fourth section provides for establishing a Sinking Fund in aid of the tax, and for its discontinuance when the condition of the canal revenues shall permit. The provision is, that all the requirements of the act of 1842 shall be complied with by payments from the canal revenues, including all deficiencies in the payments of previous years to the Sinking Fund established under that act, and that any surplus which may remain "shall in each year be reserved by the Commissioners of the Canal Fund, *and kept and sacredly devoted and applied as a Sinking Fund*, to an amount in each year sufficient to pay the interest as it accrues, and to purchase in or to pay off within eighteen years the principal of the loans authorized by the first section of this act. And whenever the nett surplus of canal revenues, *exclusive of the one-half of mill tax*, appropriated to canal purposes, and beyond the charges thereon, as hereinbefore specified, shall contribute to the Sinking Fund provided by this act, a sum sufficient, if paid each year, to meet the interest as it accrues, and redeem the principal of the loans authorized by this act, with any arrearages not contributed by the tax imposed by this act, within the period of eighteen years above limited for the payment thereof, the tax authorized by this act shall cease," etc.

Thus precise and specific is this last pledge resting upon the surplus revenues of the canals, which is wholly and entirely disregarded by the bill under consideration. Upon the preservation of this pledge depends the duration of the tax imposed by the law upon all the persons and all the property of the State, and surely the Legislature has not designedly, but inadvertently, proposed its violation and virtual repeal in the passage of the bill I am now called upon to approve.

In the establishment of the Sinking Fund under the act of 1842, as before related, that portion of the canal debt contracted under this act is carefully excluded, and the \$20,710,335.22 taken as the debt which constitutes the measure of that Sinking Fund, does not embrace it. This new debt is, as the language and spirit of the act requires, reserved to be made the basis of this new Sinking Fund.

It now amounts to \$855,000, and the remaining \$45,000 will be required, and will be added in the course of the present fiscal year.

No account has as yet been formally opened with this second Sink-



ing Fund, because, as has been before seen, no surplus of canal revenues applicable to it has yet been yielded from those revenues, the requirements of the act of 1842, and its Sinking Fund, calling for all, and more than all, of that surplus, beyond the current annual charges upon the revenues. Surely until the demands of this pledge can be met, and this tax discontinued, there cannot be said to be a canal surplus applicable to a recommencement of the public works.

These are my objections to the bill under consideration, too hastily to be briefly stated, or stated as clearly as I could desire, though I hope in a manner to be understood by the Legislature, and by our common constituents.

I cannot yield my approbation to the bill,

Because in my judgment express pledges contained in the laws authorizing loans for the public works, now falling due and becoming payable, imperiously require that the moneys it appropriates to be expended upon new works, should be applied to the extinguishment of the debts created by those loans :

Because I think the policy involved in the passage of the bill, that of postponing the payment of the existing debt as it shall fall due, that we may use the funds for a resumption of the public works, is a direct violation of the spirit and intention of the suspension law of 1842, and unwise and impolitic in reference to the true interests of the people of the whole State :

Because the facts set forth in relation to the present condition and amount of the canal debt, appear to me to show that the effect of the operation of the law of 1842 upon the debt, influenced as it has been by subsequent legislation, has not been such as to offer any promise of a payment of the debt, in the period of twenty-two and an half years, in case the public works shall be now resumed, and portions of the canal revenues diverted from the payment of the debt to be expended in their prosecution :

Because the provisions of the bill appear to me, upon a more careful examination, directly to conflict with the positive requirements of the act of 1842, and to assume as a surplus those moneys, which must be contributed to the Sinking Fund directed to be established by that act, if its enactments are to be obeyed :

And because the provisions and pledges of the act, chapter 314 of 1844, are expressly violated and disregarded by the appropriation contained in the first section of the bill.

I deem it not improper to add a remark in reference to the economy of the appropriation proposed by this bill. A careful enquiry of the officers who have the charge of the unfinished canals, informs me that from \$5,000 to \$8,000 is the utmost amount which can be economically, or profitably, expended in the security and preservation of the unfinished and unused works and materials, upon the Genesee Valley canal, and that \$1,700, or \$1,800, is the largest sum required for the same purposes, upon the Black River canal. This would leave, of the appropriation, from \$42,000 to \$45,000, to be expended in construction, upon the former canal, and from \$38,000 to \$39,000, upon the latter. I cannot convince myself that the expenditure of these sums,



upon works so far from completion, including the array of preparation, which would necessarily be required in the re-engagement of engineers, the formal lettings for new contracts, the collection of hands and supplies, and the like, to terminate again when means so limited should be consumed, can be economically made; and I will not assume that the object has been, in any quarter, by this small beginning, to reopen to a second trial the unsupported and unsustained credit of the State, to struggle with expenditures of this character, and sustain the load of our present almost literally undiminished debt. In an economical view of the subject alone, therefore, separate from the many obligations resting upon us to make a different application of these means, these portions of the appropriation would be very objectionable, in my judgment; but having found so many reasons of principle, and of public faith, which force me to interpose objections, I merely mention this point, as one worthy of the consideration of the Legislature, and deeply interesting to our constituents.

The act, chap. 278, of the Laws of 1844, provided a fund for the protection and preservation of these works and materials, and one which some suggest might be adequate to those objects. There are, as I am informed, balances of money realized under that act, applicable to this description of expenditure upon both these canals; but in the opinion of the Canal Commissioners small appropriations, not to exceed the sums I have named above, including the unexpended balances, may be necessary to complete the work of security and protection.

I do not see occasion to remark upon the provisions of this bill, after the first section, as I discover nothing in them which would prevent my approval of the law. The enactments of the fourth section are not so distinct and clear as would be desirable in legal provisions, and there might be some difficulty, under circumstances which might arise in determining how much money is actually appropriated, or how the \$197,000 are to be paid; but as I see nothing necessarily objectionable in principle in these enactments, I pass them over with this notice.

Independently of the great objections of principle which have been urged against the passage of this bill, I am forced to consider the present a most unfortunate time to introduce the change of policy it proposes. The embarrassments upon individuals and sections of the State and the direct losses to the public consequent upon a sudden suspension of the public works, have not yet been fully ascertained and measured, in relation to the suspension of 1842. Much of the time of each Legislature subsequent to that of 1842, has been consumed in the consideration of grievances and claims growing out of that suspension, and bills are, and have been, before this Legislature, containing provisions in favor of such claims which would more than exhaust any canal surplus assumed to exist by the bill under consideration. Under such circumstances, to resume these works upon such slender means as those proposed to be applied to the resumption, must be to invite almost immediately, a second suspension with all its comparative disappointments and embarrassments to individuals and interested sec-

tions of the State, and all its losses to the public ; or it must be to lay the foundation for an open abandonment of the sound, debt-paying policy of 1842, for that of a general recommencement of works of internal improvement, relying upon the unaided and already heavily tasked credit of the State for the means. If any one hopes to be able to preserve a middle line between these two courses, he hopes against experience and the natural operations of cause and effect. Payment of the debt at the day, and in strict conformity with the pledges of the public faith, must guide and control our legislation, or open expenditure irrespective of the redemption of the debt will control it. He who supposes the public works can be resumed, and their prosecution confined to the expenditure of such annual surpluses as this bill assumes and appropriates, has turned his attention much too superficially to the history of our own legislation upon the subject of public expenditures of this character, and has looked at the present condition of the other heavily indebted States of the Union, and the causes which have conspired to bring them to that condition, without the instruction which those lessons should impart. That middle line cannot be preserved. If payment of the debt is to govern our policy, a substantial, faithful adherence to that policy, a preservation of the public faith, and redemption of the public obligations, will alone inspire public confidence. If a resumption of the public works is to be the policy, a healthful and vigorous prosecution of those works alone, will, as it should, content our constituents ; and any attempt to preserve a feeble and sickly and inefficient adherence to both these courses at the same time, will prove an entire failure.

Another reason why I consider the present an unfortunate time to make this change of policy, is the evidence before us of a determinate disposition in the public mind to remodel our constitutional system, in reference to expenditures of this description. Ever since the prostration of the credit of the State in 1841, and the consequent suspension of the public works and establishment of the financial system adopted by the Legislature of 1842, the attention of our people has been drawn to the necessity of some further constitutional protection against the dangers of enduring debt and perpetual taxation. Extended discussion for two years resulted in action by the last Legislature, originating and submitting to the people, previous to the last election, specific amendments to the Constitution, taking two most important positions in reference to the further increase of our public debt for these objects, namely :

1. That no debt should hereafter be contracted for expenditures like these, until the law authorizing the loan should have been submitted to the people, and expressly approved by them, by their direct votes at the polls, and

2. That no law submitted to the people for their appropriation, should contain authority to make loans for but a single work or object of expenditure, and should contain irrepealable provisions for a Sinking Fund to meet the interest and pay off the principal of the debt, within a specified period.

This legislature, elected with reference to these provisions as amend-

ments proposed to the Constitution of the State, has expressed its sense, the one house by the constitutional vote of two-thirds, and the other by a majority in their favor, thus reflecting most truly, as I verily believe, the deliberate sense and wish of a majority of the people of the State. The propositions, however, having failed to receive the constitutional vote of two-thirds in the Assembly, cannot be submitted to the people, according to the provision contained in the Constitution for its amendment, and have therefore failed. This failure, together with that of other amendments similarly proposed and similarly failing, has secured the passage of a law for the call of a convention of the people of the State to amend the Constitution. That convention, if the call shall be affirmed by the people, as I do not entertain a doubt that it will be, is to be assembled in little more than one year from this day. Then we have every right to expect and believe that a re-organization, in a constitutional form, of our financial system, and of our powers over the use of the public credit, especially as touching the subject of internal improvements, will take place. Now, our condition is peculiarly favorable for such re-organization, be it what it may, as no work is in progress to be injuriously affected, or materially interfered with, by any change which the convention may think wise and safe. Under these circumstances, to resume the public works, make new contracts, and a re-organization for their prosecution under the old financial system which was suspended in 1842, it appears to me would only be to embarrass the convention, or disappoint the contractors, and subject the State to new losses without any promise, with the means possessed and proposed to be used by this bill, of making very material or useful advancement with the works. I must, therefore, for this reason, consider the resumption of these works at this time inopportune and unwise.

The present condition of State credit in Europe, and of the foreign relations of the country, are also considerations not unworthy of careful examination and reflection, as connected with a measure calculated either to continue our present debt, or to produce the necessity of a new if not an enlarged one.

I by no means apprehend a state of war, as a consequence of the present somewhat angry and excited feeling occasionally manifested, and connecting itself with our foreign relations; but that unfriendly discussions may take place, and be somewhat protracted, and that distrusts may be occasioned very unfavorable to State credit abroad, having the effect to return upon the country such investments now held abroad, and giving to any failure on the part of this State to redeem any portion of its stocks on the day they fall due, an importance such a contingency would not deserve, seems to me quite probable. If, in addition to such a failure to pay, we should be seen re-opening our old system of expenditure, without strengthening our sources of revenue, the effect upon our credit might be severe. I have occasion to know that some of the ablest men connected with our moneyed institutions, and from their positions and business, accustomed to observe closely all indications from abroad touching public credits, entertain unfavorable apprehensions in relation to any departure from the safe



policy pursued since 1842, while our foreign relations wear their present aspect. I would not, by these remarks, excite the slightest alarm as to an apprehended interruption of the peace of the country, but I must think that these considerations make the passage of this bill ill-timed and inexpedient.

Great as I consider the weight due to these objections, of economy, time and expediency, but for the more grave objections of principle, which I have stated in the former part of this communication, I should not be constrained to interpose my individual opinion, in opposition to that of the majority of the Legislature. The regret I feel at being compelled to do it, under any circumstances, I have not the power to express, and still my most solemn convictions assure me, that I but discharge an imperious constitutional duty, unmixed with, and uninfluenced by, a single personal feeling or interest of which I am conscious. That the consequence of my action is but a call upon the Legislature to reconsider its own, and not a necessary rejection of the bill, is a gratifying reflection; and I am not without hope that the considerations I have presented, imperfect and tedious as that presentation is, may induce the two houses to come to my conclusion, that the bill, in its present shape, and with its present provisions, ought not to pass. If, on the contrary, these considerations shall seem to deserve no weight, and the bill shall pass, notwithstanding the objections, the harm, if any, of this communication, must fall upon myself, where it should rest, if the objections are not well founded. Should neither of these results follow, and the bill fail for a want of the constitutional vote, a majority of both houses continuing to be in its favor, in that case I shall cheerfully submit to the people of the State the decision of the issue which will be formed between myself and the majority of the Legislature, rejoicing in the conviction that the difference of opinion on my part, is unaccompanied by one personal feeling unfriendly to a single individual of that majority, and determined that the decision of our common constituents shall be submitted to by me, in the same spirit in which I have joined the issue.

SILAS WRIGHT.

Thereupon,

The House proceeded to the reconsideration of the said bill, returned by the Governor, entitled "An act in relation to the canals."

Debates were had thereon; when

Mr. Whitney called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Whereupon,

Mr. Speaker put the question, "Shall this bill become a law, notwithstanding the objections of the Governor?" and it was determined in the negative, less than two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit:



|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 56 | } |
| { | NAYS   | 51 | } |
| { | ABSENT | 21 | } |

Those who voted in the affirmative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Barber       | Mr. Field      | Mr. Morrison        |
| Mr. Betts        | Mr. Fonda      | Mr. Niven           |
| Mr. Bevins       | Mr. Frisbee    | Mr. Oakley          |
| Mr. Blake        | Mr. Gairretson | Mr. Raymond         |
| Mr. Bloss        | Mr. Gifford    | Mr. Rice            |
| Mr. Bowen        | Mr. G. Goold   | Mr. Ross            |
| Mr. M. Brooks    | Mr. Hannum     | Mr. A. C. Smith     |
| Mr. L. H. Brown  | Mr. Harris     | Mr. Speaker         |
| Mr. S. A. Brown  | Mr. Heermans   | Mr. Spring          |
| Mr. Bush         | Mr. Howard     | Mr. J. Stevenson    |
| Mr. Cameron      | Mr. Hunt       | Mr. Sweeney         |
| Mr. Casner       | Mr. Huntington | Mr. Thayer          |
| Mr. Coe          | Mr. Jarvis     | Mr. Van Valkenburgh |
| Mr. Collins      | Mr. Johnson    | Mr. Walrath         |
| Mr. Comstock     | Mr. D. Lee     | Mr. White           |
| Mr. C. F. Crosby | Mr. Litchfield | Mr. Wyckoff         |
| Mr. Culver       | Mr. Long       | Mr. Wyant           |
| Mr. Edwards      | Mr. M'Vean     | Mr. J. Young        |
| Mr. Fenn         | Mr. Mann       |                     |

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Those who voted in the negative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. Hervey       | Mr. Preston         |
| Mr. Bagg        | Mr. Horton       | Mr. Rogers          |
| Mr. Bailey      | Mr. Jones        | Mr. Russell         |
| Mr. J. Brooks   | Mr. Kinne        | Mr. Sager           |
| Mr. Brower      | Mr. Knapp        | Mr. Searing         |
| Mr. A. H. Buell | Mr. T. R. Lee    | Mr. Sears           |
| Mr. Bunker      | Mr. M'Carthy     | Mr. Sherman         |
| Mr. Burdick     | Mr. M'Key        | Mr. Skelton         |
| Mr. Carpenter   | Mr. Mather       | Mr. W. Smith        |
| Mr. Chase       | Mr. Mersereau    | Mr. R. L. Stevenson |
| Mr. Constant    | Mr. C. B. Miller | Mr. Strobridge      |
| Mr. Crain       | Mr. S. Miller    | Mr. Tefft           |
| Mr. Danforth    | Mr. Morris       | Mr. Thompson        |
| Mr. Dickson     | Mr. Moulton      | Mr. Titus           |
| Mr. Gregory     | Mr. Newkirk      | Mr. Tutbill         |
| Mr. Harden      | Mr. Pierce       | Mr. Wheeler         |
| Mr. Hazelton    | Mr. Porter       | Mr. Whitney         |

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And those who were absent are

|              |              |               |
|--------------|--------------|---------------|
| Mr. Billings | Mr. Fellows  | Mr. Salisbury |
| Mr. Boughton | Mr. D. Gould | Mr. Tibbits   |

Mr. T. Buel  
Mr. E. Crosby  
Mr. Dayton  
Mr. De Puy  
Mr. Dewey

Mr. Hall  
Mr. Hammond  
Mr. Hine  
Mr. McDonald  
Mr. Pardee

Mr. Van Schoonhoven  
Mr. Wells  
Mr. Wilcox  
Mr. Worden  
Mr. A. W. Young 21

A message from the Senate, with the bills therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act for the relief of Isaac I. Yates;" the bill entitled "An act relative to the superintendents of the poor in the county of Schenectady;" the bill entitled "An act to amend an act entitled 'An act authorising a loan of certain monies belonging to the United States, deposited with the State of New-York for safe keeping,' passed April 4th, 1837;" the bill entitled "An act to amend an act entitled 'An act to incorporate the Albany Cemetery Association,' passed April 20th, 1841," and the bill entitled "An act for the relief of Baltis Simmons," severally without amendment.

*Ordered,* That the Clerk deliver the said bills to the Governor.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act authorising Simeon Westfall to establish and continue a ferry across the Delaware river," with the accompanying amendments.

The said amendments having been read,

Mr. Niven moved that the House concur therein.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Niven, and it was determined in the affirmative.

*Ordered,* That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred with them in the said amendments, and amended the bill accordingly.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act to divide the town of Ellenburgh," with the accompanying amendments.

The said amendments having been read,

Mr. Gregory moved that the House concur therein.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Gregory, and it was determined in the affirmative.

*Ordered,* That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred with them in the said amendments, and amended the bill accordingly.

A message from the Senate, with the bills therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act to amend the charter of the village of Cazenovia;" the bill entitled "An act to amend an act to incorporate the Rensselaer Oswego Academy, passed April 13th, 1826," and the bill entitled "An act relative to the village of Syracuse," severally without amendment.

*Ordered,* That the Clerk deliver the said bills to the Governor.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act for the relief of Homer Caswell," with the accompanying amendments.

The said amendments having been read,

Mr. Walrath moved that the House concur therein.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Walrath, and it was determined in the affirmative.

*Ordered,* That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred with them in the said amendments, and amended the bill accordingly.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act to amend an act entitled 'An act to enable the dispensaries of the city of New-York to extend their benefits,' passed April 21st, 1841," with the accompanying amendments.

The said amendments having been read,

Mr. Thompson moved that the House concur therein.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Thompson, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 94 | } |
| { | NAYS   | 01 | } |
| { | ABSENT | 33 | } |

Those who voted in the affirmative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Bagg         | Mr. Gifford    | Mr. Moulton         |
| Mr. Bailey       | Mr. D. Gould   | Mr. Newkirk         |
| Mr. Barber       | Mr. G. Gould   | Mr. Niven           |
| Mr. Betts        | Mr. Gregory    | Mr. Oakley          |
| Mr. Bevins       | Mr. Hammond    | Mr. Pierce          |
| Mr. Blake        | Mr. Hannum     | Mr. Porter          |
| Mr. Bloss        | Mr. Harden     | Mr. Rice            |
| Mr. Bowen        | Mr. Harris     | Mr. Rogers          |
| Mr. J. Brooks    | Mr. Hazelton   | Mr. Ross            |
| Mr. M. Brooks    | Mr. Heermans   | Mr. Sager           |
| Mr. Brower       | Mr. Hervey     | Mr. Searing         |
| Mr. L. H. Brown  | Mr. Hine       | Mr. Sherman         |
| Mr. S. A. Brown  | Mr. Horton     | Mr. Skelton         |
| Mr. Bunker       | Mr. Howard     | Mr. A. C. Smith     |
| Mr. Bush         | Mr. Huntington | Mr. W. Smith        |
| Mr. Cameron      | Mr. Jarvis     | Mr. Speaker         |
| Mr. Carpenter    | Mr. Johnson    | Mr. Spring          |
| Mr. Casner       | Mr. Jones      | Mr. R. L. Stevenson |
| Mr. Chase        | Mr. Kinne      | Mr. Sweeney         |
| Mr. Coe          | Mr. Knapp      | Mr. Tefft           |
| Mr. Collins      | Mr. D. Lee     | Mr. Thayer          |
| Mr. Constant     | Mr. T. R. Lee  | Mr. Thompson        |
| Mr. Crain        | Mr. Litchfield | Mr. Titus           |
| Mr. C. F. Crosby | Mr. Long       | Mr. Tuthill         |
| Mr. Culver       | Mr. M'Carthy   | Mr. Van Valkenburgh |
| Mr. Danforth     | Mr. M'Key      | Mr. Walrath         |
| Mr. Dickson      | Mr. Mather     | Mr. Wheeler         |

Mr. Edwards  
Mr. Field  
Mr. Fonda  
Mr. Frisbee  
Mr. Garretson

Mr. Mersereau  
Mr. C. B. Miller  
Mr. Morris  
Mr. Morrison

Mr. White  
Mr. Wyckoff  
Mr. Wynant  
Mr. J. Young

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For the negative,

Mr. Raymond

1

And those who were absent are

Mr. Bachman  
Mr. Billings  
Mr. Boughton  
Mr. A. H. Buell  
Mr. T. Buel  
Mr. Burdick  
Mr. Comstock  
Mr. E. Crosby  
Mr. Dayton  
Mr. De Puy  
Mr. Dewey

Mr. Fellows  
Mr. Fenn  
Mr. Hall  
Mr. Hunt  
Mr. M'Donald  
Mr. M'Vean  
Mr. Mann  
Mr. S. Miller  
Mr. Pardee  
Mr. Preston  
Mr. Russell

Mr. Salisbury  
Mr. Sears  
Mr. J. Stevenson  
Mr. Strobridge  
Mr. Tibbits  
Mr. Van Schoonhoven  
Mr. Wells  
Mr. Whitney  
Mr. Wilcox  
Mr. Worden  
Mr. A. W. Young

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*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred in the said amendments, and amended the bill accordingly.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act to change the name of Charles Jones to Charles Jones Baxter," with the accompanying amendments.

The said amendments having been read,

Mr. D. Lee moved that the House concur therein.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. D. Lee, and it was determined in the affirmative.

*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred in the said amendments, and amended the bill accordingly.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act for the relief of John Sanford and William Eggleston," with the accompanying amendments.

The said amendments having been read,

*Resolved*, That the Assembly do concur with the Senate in their said amendments.

*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred in the said amendments, and amended the bill accordingly.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act to provide



for the opening and improving roads through the Onondaga Indian reservation," with the accompanying amendments.

The said amendments having been read,

Mr. M'Carthy moved that the House concur therein.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. M'Carthy, and it was determined in the affirmative.

*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred in the said amendments, and amended the bill accordingly.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act for the relief of James D. Sparkman, William Leaycraft and Samuel Cox," with the accompanying amendments.

The said amendments having been read,

*Resolved*, That the Assembly do concur with the Senate in their amendments to the said bill.

*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred in the said amendments, and amended the bill accordingly.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act to enlarge the act entitled 'An act relative to common schools for the city of Brooklyn,' passed May 23, 1843," with the accompanying amendments.

The said amendments having been read,

Mr. Wyckoff moved that the House concur therein.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Wyckoff, and it was determined in the affirmative.

*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred in the said amendments, and amended the bill accordingly.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act for the collection of taxes in the city of Albany," with the accompanying amendments.

The said amendments having been read,

Mr. Chase moved that the House concur therein.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Chase, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |
|---|--------|----|
| { | AYES   | 90 |
| { | NAYS   | 00 |
| { | ABSENT | 38 |

Those who voted in the affirmative are

Mr. Bagg  
Mr. Barber  
Mr. Betts

Mr. Gifford  
Mr. G. Goold  
Mr. Gregory

Mr. Oakley  
Mr. Pardee  
Mr. Pierce

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bevens      | Mr. Hammond      | Mr. Porter          |
| Mr. Blake       | Mr. Harris       | Mr. Raymond         |
| Mr. Bloss       | Mr. Hazelton     | Mr. Rice            |
| Mr. Boughton    | Mr. Heermans     | Mr. Rogers          |
| Mr. Bowen       | Mr. Hervey       | Mr. Ross            |
| Mr. J. Brooks   | Mr. Hine         | Mr. Sager           |
| Mr. M. Brooks   | Mr. Horton       | Mr. Searing         |
| Mr. Brower      | Mr. Howard       | Mr. Sherman         |
| Mr. L. H. Brown | Mr. Hunt         | Mr. Skelton         |
| Mr. S. A. Brown | Mr. Jarvis       | Mr. A. C. Smith     |
| Mr. Bunker      | Mr. Johnson      | Mr. W. Smith        |
| Mr. Bush        | Mr. Jones        | Mr. Speaker         |
| Mr. Cameron     | Mr. Kinne        | Mr. Spring          |
| Mr. Carpenter   | Mr. Knapp        | Mr. R. L. Stevenson |
| Mr. Casner      | Mr. D. Lee       | Mr. Sweeney         |
| Mr. Chase       | Mr. T. R. Lee    | Mr. Tefft           |
| Mr. Coe         | Mr. Litchfield   | Mr. Thayer          |
| Mr. Collins     | Mr. Long         | Mr. Thompson        |
| Mr. Comstock    | Mr. M'Carthy     | Mr. Tiuis           |
| Mr. Constant    | Mr. M'Key        | Mr. Tuthill         |
| Mr. Culver      | Mr. M'Vean       | Mr. Van Valkenburgh |
| Mr. Danforth    | Mr. Mather       | Mr. Walrath         |
| Mr. Edwards     | Mr. Mersereau    | Mr. Wheeler         |
| Mr. Field       | Mr. C. B. Miller | Mr. White           |
| Mr. Fonda       | Mr. Morris       | Mr. Wyckoff         |
| Mr. Frisbee     | Mr. Morrison     | Mr. Wynant          |
| Mr. Garietson   | Mr. Niven        | Mr. J. Young        |

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And those who were absent are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Bachman      | Mr. Fellows    | Mr. Russell         |
| Mr. Bailey       | Mr. Fenn       | Mr. Salisbury       |
| Mr. Billings     | Mr. D. Gould   | Mr. Sears           |
| Mr. A. H. Buell  | Mr. Hall       | Mr. J. Stevenson    |
| Mr. T. Buel      | Mr. Hannum     | Mr. Strobridge      |
| Mr. Burdick      | Mr. Harden     | Mr. Tibbits         |
| Mr. Crain        | Mr. Huntington | Mr. Van Schoonhoven |
| Mr. C. F. Crosby | Mr. M'Donald   | Mr. Wells           |
| Mr. E. Crosby    | Mr. Mann       | Mr. Whitney         |
| Mr. Dayton       | Mr. S. Miller  | Mr. Wilcox          |
| Mr. De Puy       | Mr. Moulton    | Mr. Worden          |
| Mr. Dewey        | Mr. Newkirk    | Mr. A. W. Young     |
| Mr. Dickson      | Mr. Preston    |                     |

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*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred in the said amendments, and amended the bill accordingly.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act to discontinue Eleventh-street in the city of New-York, between Broadway and the Bowery," with the accompanying amendments.

The said amendments having been read,  
Mr. Jones moved that the House concur therein.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Jones, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |
|---|--------|----|
| { | AYES   | 87 |
|   | NAYS   | 02 |
|   | ABSENT | 39 |

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bagg         | Mr. Gregory      | Mr. Niven           |
| Mr. Barber       | Mr. Hammond      | Mr. Oakley          |
| Mr. Bevens       | Mr. Hannum       | Mr. Pierce          |
| Mr. Blake        | Mr. Harden       | Mr. Porter          |
| Mr. Bloss        | Mr. Harris       | Mr. Rice            |
| Mr. Boughton     | Mr. Hazelton     | Mr. Rogers          |
| Mr. Bowen        | Mr. Heermans     | Mr. Ross            |
| Mr. J. Brooks    | Mr. Hervey       | Mr. Russell         |
| Mr. M. Brooks    | Mr. Hine         | Mr. Sager           |
| Mr. Brower       | Mr. Horton       | Mr. Searing         |
| Mr. S. A. Brown  | Mr. Howard       | Mr. Skelton         |
| Mr. Bunker       | Mr. Hunt         | Mr. A. C. Smith     |
| Mr. Bush         | Mr. Jarvis       | Mr. W. Smith        |
| Mr. Casner       | Mr. Johnson      | Mr. Spring          |
| Mr. Chase        | Mr. Jones        | Mr. J. Stevenson    |
| Mr. Coe          | Mr. Kinne        | Mr. R. L. Stevenson |
| Mr. Collins      | Mr. Knapp        | Mr. Sweeney         |
| Mr. Comstock     | Mr. D. Lee       | Mr. Tefft           |
| Mr. Constant     | Mr. T. R. Lee    | Mr. Thayer          |
| Mr. C. F. Crosby | Mr. Litchfield   | Mr. Thompson        |
| Mr. Culver       | Mr. M'Carthy     | Mr. Titus           |
| Mr. Danforth     | Mr. M'Key        | Mr. Tutbill         |
| Mr. Fenn         | Mr. Mather       | Mr. Van Valkenburgh |
| Mr. Field        | Mr. Mersereau    | Mr. Walrath         |
| Mr. Fonda        | Mr. C. B. Miller | Mr. Wheeler         |
| Mr. Frisbee      | Mr. Morris       | Mr. White           |
| Mr. Garretson    | Mr. Morrison     | Mr. Wyckoff         |
| Mr. Gifford      | Mr. Moulton      | Mr. Wynant          |
| Mr. G. Goold     | Mr. Newkirk      | Mr. J. Young        |

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Those who voted in the negative are

|          |             |
|----------|-------------|
| Mr. Mann | Mr. Raymond |
|----------|-------------|

2

And those who were absent are

|             |            |               |
|-------------|------------|---------------|
| Mr. Bachman | Mr. De Puy | Mr. Preston   |
| Mr. Bailey  | Mr. Dewey  | Mr. Salisbury |

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Betts       | Mr. Dickson    | Mr. Sears           |
| Mr. Billings    | Mr. Edwards    | Mr. Sherman         |
| Mr. L. H. Brown | Mr. Fellows    | Mr. Speaker         |
| Mr. A. H. Buell | Mr. D. Gould   | Mr. Strobbridge     |
| Mr. T. Buel     | Mr. Hall       | Mr. Tibbits         |
| Mr. Burdick     | Mr. Huntington | Mr. Van Schoonhoven |
| Mr. Cameron     | Mr. Long       | Mr. Wells           |
| Mr. Carpenter   | Mr. M'Donald   | Mr. Whitney         |
| Mr. Crain       | Mr. M'Vean     | Mr. Wilcox          |
| Mr. E. Crosby   | Mr. S. Miller  | Mr. Worden          |
| Mr. Dayton      | Mr. Pardee     | Mr. A. W. Young 39  |

*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred in the said amendments, and amended the bill accordingly.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act to amend the act entitled 'An act to incorporate the village of Bath in the county of Steuben,'" with the accompanying amendments.

The said amendments having been read,

Mr. Van Valkenburgh moved that the House concur therein.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Van Valkenburgh, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 86 | } |
| { | NAYS   | 00 | } |
| { | ABSENT | 42 | } |

Those who voted in the affirmative are

|                 |              |                     |
|-----------------|--------------|---------------------|
| Mr. Bagg        | Mr. Gifford  | Mr. Niven           |
| Mr. Barber      | Mr. D. Gould | Mr. Oakley          |
| Mr. Betts       | Mr. G. Goold | Mr. Pierce          |
| Mr. Bevins      | Mr. Hammond  | Mr. Porter          |
| Mr. Bloss       | Mr. Hannum   | Mr. Rice            |
| Mr. Boughton    | Mr. Harris   | Mr. Rogers          |
| Mr. Bowen       | Mr. Hazelton | Mr. Ross            |
| Mr. J. Brooks   | Mr. Heermans | Mr. Russell         |
| Mr. M. Brooks   | Mr. Hervey   | Mr. Sager           |
| Mr. Brower      | Mr. Hine     | Mr. Skelton         |
| Mr. S. A. Brown | Mr. Horton   | Mr. A. C. Smith     |
| Mr. Bunker      | Mr. Howard   | Mr. W. Smith        |
| Mr. Bush        | Mr. Hunt     | Mr. Spring          |
| Mr. Cameron     | Mr. Jarvis   | Mr. J. Stevenson    |
| Mr. Carpenter   | Mr. Johnson  | Mr. R. L. Stevenson |
| Mr. Casner      | Mr. Jones    | Mr. Sweeney         |
| Mr. Chase       | Mr. Kinne    | Mr. Tefft           |
| Mr. Coe         | Mr. Knapp    | Mr. Thayer          |



|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Collins      | Mr. D. Lee       | Mr. Thompson        |
| Mr. Comstock     | Mr. T. R. Lee    | Mr. Tibbits         |
| Mr. Constant     | Mr. Litchfield   | Mr. Tuthill         |
| Mr. C. F. Crosby | Mr. M'Carthy     | Mr. Van Valkenburgh |
| Mr. Culver       | Mr. M'Key        | Mr. Walrath         |
| Mr. Danforth     | Mr. M'Vean       | Mr. Wheeler         |
| Mr. Edwards      | Mr. Mersereau    | Mr. White           |
| Mr. Field        | Mr. C. B. Miller | Mr. Wyckoff         |
| Mr. Fonda        | Mr. S. Miller    | Mr. Wynant          |
| Mr. Frisbee      | Mr. Morris       | Mr. J. Young        |
| Mr. Garretson    | Mr. Moulton      |                     |

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And those who were absent are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Bachman     | Mr. Fellows    | Mr. Raymond         |
| Mr. Bailey      | Mr. Fenn       | Mr. Salisbury       |
| Mr. Billings    | Mr. Gregory    | Mr. Searing         |
| Mr. Blake       | Mr. Hall       | Mr. Sears           |
| Mr. L. H. Brown | Mr. Harden     | Mr. Sherman         |
| Mr. A. H. Buell | Mr. Huntington | Mr. Speaker         |
| Mr. T. Buel     | Mr. Long       | Mr. Strobbridge     |
| Mr. Burdick     | Mr. M'Donald   | Mr. Titus           |
| Mr. Crain       | Mr. Mann       | Mr. Van Schoonhoven |
| Mr. E. Crosby   | Mr. Mather     | Mr. Wells           |
| Mr. Dayton      | Mr. Morrison   | Mr. Whitney         |
| Mr. De Puy      | Mr. Newkirk    | Mr. Wilcox          |
| Mr. Dewey       | Mr. Pardee     | Mr. Worden          |
| Mr. Dickson     | Mr. Preston    | Mr. A. W. Young 42  |

*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred in the said amendments, and amended the bill accordingly.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act for the laying out of a highway along the Chenango canal, from the Cherry-valley turnpike to the Oriskany falls," with the accompanying amendments.

The said amendments having been read,

Mr. Walrath moved that the House concur therein.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Walrath, and it was determined in the affirmative.

*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred with them in the said amendments, and amended the bill accordingly.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act for the relief of Orrin Tyler and others," with the accompanying amendments.

The said amendments having been read,

Mr. Tefft moved that the House concur therein.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Tefft, and it was determined in the affirmative.

*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred with them in the said amendments, and amended the bill accordingly.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act for the relief of Arunah M. Adsit and others," with the accompanying amendments.

The said amendments having been read,

Mr. Van Valkenburgh moved that the House concur therein.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Van Valkenburgh, and it was determined in the affirmative.

*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred with them in the said amendments, and amended the bill accordingly.

A message from the Senate, with the bills therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act for the relief of William Coleman, Abiel West and Joseph Taylor;" the bill entitled "An act to punish the procurement of abortion, and for other purposes," and the bill entitled "An act to incorporate the Farmers' Mutual Insurance Company of Sherburne," severally without amendment.

*Ordered*, That the Clerk deliver the said bills to the Governor.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act to amend the act entitled 'An act to incorporate the village of Fredonia,' passed 1829," with the accompanying amendments.

The said amendments having been read,

Mr. Frisbee moved that the House concur therein.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Frisbee, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |
|---|--------|----|
| { | AYES   | 86 |
| { | NAYS   | 00 |
| { | ABSENT | 42 |

Those who voted in the affirmative are

|               |              |             |
|---------------|--------------|-------------|
| Mr. Bagg      | Mr. Gifford  | Mr. Oakley  |
| Mr. Barber    | Mr. G. Goold | Mr. Pierce  |
| Mr. Betts     | Mr. Hammond  | Mr. Porter  |
| Mr. Revens    | Mr. Hannum   | Mr. Rice    |
| Mr. Blake     | Mr. Harden   | Mr. Rogers  |
| Mr. Bloss     | Mr. Harris   | Mr. Ross    |
| Mr. Boughton  | Mr. Hazelton | Mr. Russell |
| Mr. Bowen     | Mr. Heermans | Mr. Sager   |
| Mr. J. Brooks | Mr. Hine     | Mr. Searing |
| Mr. M. Brooks | Mr. Horton   | Mr. Sherman |

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. S. A. Brown  | Mr. Howard       | Mr. Skelton         |
| Mr. Bunker       | Mr. Hunt         | Mr. A. C. Smith     |
| Mr. Bush         | Mr. Jarvis       | Mr. W. Smith        |
| Mr. Cameron      | Mr. Johnson      | Mr. Spring          |
| Mr. Carpenter    | Mr. Kinne        | Mr. J. Stevenson    |
| Mr. Casner       | Mr. Knapp        | Mr. R. L. Stevenson |
| Mr. Chase        | Mr. D. Lee       | Mr. Sweeney         |
| Mr. Coe          | Mr. T. R. Lee    | Mr. Tefft           |
| Mr. Collins      | Mr. Litchfield   | Mr. Thayer          |
| Mr. Comstock     | Mr. M'Carthy     | Mr. Thompson        |
| Mr. Constant     | Mr. M'Key        | Mr. Titus           |
| Mr. C. F. Crosby | Mr. M'Vean       | Mr. Van Valkenburgh |
| Mr. Culver       | Mr. Mann         | Mr. Walrath         |
| Mr. Danforth     | Mr. Mather       | Mr. Wheeler         |
| Mr. Fenn         | Mr. Mersereau    | Mr. White           |
| Mr. Field        | Mr. C. B. Miller | Mr. Wyckoff         |
| Mr. Fonda        | Mr. Morris       | Mr. Wynant          |
| Mr. Frisbee      | Mr. Morrison     | Mr. J. Young        |
| Mr. Garretson    | Mr. Niven        |                     |

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And those who were absent are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Bachman     | Mr. Edwards    | Mr. Preston         |
| Mr. Bailey      | Mr. Fellows    | Mr. Raymond         |
| Mr. Billings    | Mr. D. Gould   | Mr. Salisbury       |
| Mr. Brower      | Mr. Gregory    | Mr. Sears           |
| Mr. L. H. Brown | Mr. Hall       | Mr. Speaker         |
| Mr. A. H. Buell | Mr. Hervey     | Mr. Strobbridge     |
| Mr. T. Buel     | Mr. Huntington | Mr. Tibbits         |
| Mr. Burdick     | Mr. Jones      | Mr. Tuthill         |
| Mr. Crain       | Mr. Long       | Mr. Van Schoonhoven |
| Mr. E. Crosby   | Mr. M'Donald   | Mr. Wells           |
| Mr. Dayton      | Mr. S. Miller  | Mr. Whitney         |
| Mr. De'Puy      | Mr. Moulton    | Mr. Wilcox          |
| Mr. Dewey       | Mr. Newkirk    | Mr. Worden          |
| Mr. Dickson     | Mr. Pardee     | Mr. A. W. Young     |

42

*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred in the said amendments, and amended the bill accordingly.

A message from the Senate, with the bill and amendments therein mentioned, was received and read, informing that the Senate had concurred in the amendments of the Assembly to the bill entitled "An act to punish and prevent frauds in the use of false stamps and labels," and amended the same accordingly.

The said amended bill having been examined,

*Ordered*, That the Clerk return the same to the Senate.

Mr. Comstock gave notice that he would move, to-morrow, to suspend the fifty-first rule of the house.

A message from the Senate was received and read, informing that

they had passed the bill therewith returned, entitled "An act to authorise certain individuals in the town of Edinburgh, Saratoga county, to loan money," with the accompanying amendments.

The said amendments having been read,

Mr. Edwards moved that the House concur therein.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Edwards, and it was determined in the affirmative.

*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred in the said amendments, and amended the bill accordingly.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act to amend the Revised Statutes, in reference to documentary evidence," with the accompanying amendments.

The said amendments having been read,

*Resolved*, That the Assembly do concur with the Senate in their said amendments.

*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred in the said amendments, and amended the bill accordingly.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act for the relief of Michael Quarters," with the accompanying amendments.

The said amendments having been read,

Mr. Comstock moved that the House concur therein.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Comstock, and it was determined in the affirmative.

*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred in the said amendments, and amended the bill accordingly.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act for the relief of Anthony S. Badgley and Andrew Bigham," with the accompanying amendments.

The said amendments having been read,

Mr. J. Young moved that the House concur therein.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. J. Young, and it was determined in the affirmative.

*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred with them in the said amendments, and amended the bill accordingly.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act for the relief of Asa T. Smith," with the accompanying amendments.

The said amendments having been read,

Mr. Comstock moved that the House concur therein.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Comstock, and it was determined in the affirmative.

*Ordered*, That the Clerk return the said bill and amendments to the



Senate, and inform them that the Assembly have concurred with them in the said amendments, and amended the bill accordingly.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act to incorporate the Roman Catholic Orphan Asylum Society in the city of Rochester," with the accompanying amendments.

The said amendments having been read,

Mr. Bloss moved that the House concur therein.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Bloss, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 86 | } |
| { | NAYS   | 04 | } |
| { | ABSENT | 38 | } |

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bagg         | Mr. Garretson    | Mr. Oakley          |
| Mr. Bailey       | Mr. Gifford      | Mr. Pierce          |
| Mr. Barber       | Mr. G. Goold     | Mr. Porter          |
| Mr. Betts        | Mr. Gregory      | Mr. Raymond         |
| Mr. Bevins       | Mr. Hammond      | Mr. Rice            |
| Mr. Blake        | Mr. Hannum       | Mr. Rogers          |
| Mr. Bloss        | Mr. Harden       | Mr. Ross            |
| Mr. Bowen        | Mr. Harris       | Mr. Russell         |
| Mr. J. Brooks    | Mr. Hazelton     | Mr. Sager           |
| Mr. M. Brooks    | Mr. Heermans     | Mr. Searing         |
| Mr. S. A. Brown  | Mr. Hervey       | Mr. Sherman         |
| Mr. A. H. Buell  | Mr. Hine         | Mr. Skelton         |
| Mr. Bunker       | Mr. Horton       | Mr. A. C. Smith     |
| Mr. Cameron      | Mr. Hunt         | Mr. W. Smith        |
| Mr. Carpenter    | Mr. Jarvis       | Mr. Speaker         |
| Mr. Casner       | Mr. Johnson      | Mr. Spring          |
| Mr. Chase        | Mr. Kinne        | Mr. J. Stevenson    |
| Mr. Coe          | Mr. Knapp        | Mr. Sweeney         |
| Mr. Collins      | Mr. D. Lee       | Mr. Tefft           |
| Mr. Comstock     | Mr. T. R. Lee    | Mr. Thayer          |
| Mr. Constant     | Mr. Litchfield   | Mr. Thompson        |
| Mr. Crain        | Mr. M'Carthy     | Mr. Van Valkenburgh |
| Mr. C. F. Crosby | Mr. M'Vean       | Mr. Walrath         |
| Mr. Culver       | Mr. Mersereau    | Mr. Wheeler         |
| Mr. Danforth     | Mr. C. B. Miller | Mr. White           |
| Mr. Edwards      | Mr. Morris       | Mr. Wyckoff         |
| Mr. Field        | Mr. Morrison     | Mr. Wynant          |
| Mr. Fonda        | Mr. Moulton      | Mr. J. Young        |
| Mr. Frisbee      | Mr. Niven        |                     |

Those who voted in the negative are

Mr. Howard  
Mr. Mann

Mr. Mather

Mr. Tuthill

4

And those who were absent are

Mr. Bachman

Mr. Fellows

Mr. Salisbury

Mr. Billings

Mr. Fenn

Mr. Sears

Mr. Boughton

Mr. D. Gould

Mr. R. L. Stevenson

Mr. Brower

Mr. Hall

Mr. Strobbridge

Mr. L. H. Brown

Mr. Huntington

Mr. Tibbits

Mr. T. Buel

Mr. Jones

Mr. Titus

Mr. Burdick

Mr. Long

Mr. Van Schoonhoven

Mr. Bush

Mr. M'Donald

Mr. Wells

Mr. E. Crosby

Mr. M'Key

Mr. Whitney

Mr. Dayton

Mr. S. Miller

Mr. Wilcox

Mr. De Puy

Mr. Newkirk

Mr. Worden

Mr. Dewey

Mr. Pardee

Mr. A. W. Young

Mr. Dickson

Mr. Preston

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*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred in the said amendments, and amended the bill accordingly.

Mr. Van Valkenburgh gave notice that he would, on the morrow, move the suspension of all rules of this house, which may interfere with the introduction and passage of a bill to provide for the reconstruction of the locks on the Crookedlake canal.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act concerning the district attorney of the county of Niagara," with the accompanying amendments.

The said amendments having been read,

*Resolved*, That the Assembly do concur with the Senate in their amendments to the said bill.

*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred in the said amendments, and amended the bill accordingly.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act to enable the receiver of taxes in the city of New-York, and the comptroller of the said city, to collect the taxes remaining unpaid," with the accompanying amendments.

The said amendments having been read,

Mr. Wheeler moved that the House concur therein.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Wheeler, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 86 | } |
|   | NAYS   | 02 |   |
|   | ABSENT | 40 |   |

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bagg         | Mr. Garretson    | Mr. Pierce          |
| Mr. Bailey       | Mr. Gifford      | Mr. Porter          |
| Mr. Barber       | Mr. D. Gould     | Mr. Raymond         |
| Mr. Betts        | Mr. G. Goold     | Mr. Rice            |
| Mr. Bevens       | Mr. Gregory      | Mr. Rogers          |
| Mr. Blake        | Mr. Hannum       | Mr. Ross            |
| Mr. Bloss        | Mr. Harden       | Mr. Russell         |
| Mr. Boughton     | Mr. Harris       | Mr. Sager           |
| Mr. Bowen        | Mr. Hazelton     | Mr. Searing         |
| Mr. J. Brooks    | Mr. Heermans     | Mr. Skelton         |
| Mr. M. Brooks    | Mr. Hervey       | Mr. A. C. Smith     |
| Mr. Brower       | Mr. Hine         | Mr. W. Smith        |
| Mr. S. A. Brown  | Mr. Horton       | Mr. Speaker         |
| Mr. Bunker       | Mr. Howard       | Mr. Spring          |
| Mr. Cameron      | Mr. Hunt         | Mr. J. Stevenson    |
| Mr. Carpenter    | Mr. Jarvis       | Mr. R. L. Stevenson |
| Mr. Casner       | Mr. Johnson      | Mr. Sweeney         |
| Mr. Chase        | Mr. Kinne        | Mr. Tefft           |
| Mr. Coe          | Mr. Knapp        | Mr. Thayer          |
| Mr. Collins      | Mr. D. Lee       | Mr. Titus           |
| Mr. Comstock     | Mr. Litchfield   | Mr. Tuthill         |
| Mr. Constant     | Mr. M'Vean       | Mr. Van Valkenburgh |
| Mr. C. F. Crosby | Mr. Mather       | Mr. Walrath         |
| Mr. Culver       | Mr. Mersereau    | Mr. Wheeler         |
| Mr. Danforth     | Mr. C. B. Miller | Mr. White           |
| Mr. Dickson      | Mr. Morris       | Mr. Wyckoff         |
| Mr. Field        | Mr. Moulton      | Mr. Wynant          |
| Mr. Fonda        | Mr. Niven        | Mr. J. Young        |
| Mr. Frisbee      | Mr. Oakley       |                     |

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Those who voted in the negative are

|               |              |
|---------------|--------------|
| Mr. T. R. Lee | Mr. Morrison |
|---------------|--------------|

2

And those who were absent are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Bachman     | Mr. Fenn       | Mr. Preston         |
| Mr. Billings    | Mr. Hall       | Mr. Salisbury       |
| Mr. L. H. Brown | Mr. Hammond    | Mr. Sears           |
| Mr. A. H. Buell | Mr. Huntington | Mr. Sherman         |
| Mr. T. Buel     | Mr. Jones      | Mr. Strobbridge     |
| Mr. Burdick     | Mr. Long       | Mr. Thompson        |
| Mr. Bush        | Mr. M'Carthy   | Mr. Tibbits         |
| Mr. Crain       | Mr. M'Donald   | Mr. Van Schoonhoven |

Mr. E. Crosby  
Mr. Dayton  
Mr. De Puy  
Mr. Dewey  
Mr. Edwards  
Mr. Fellows

Mr. M'Key  
Mr. Mann  
Mr. S. Miller  
Mr. Newkirk  
Mr. Pardee

Mr. Wells  
Mr. Whitney  
Mr. Wilcox  
Mr. Worden  
Mr. A. W. Young

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*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred with them in the said amendments, and amended the bill accordingly.

Mr. T. R. Lee moved that twenty times the usual number of copies of the message of the Governor, returning the bill entitled "An act in relation to the canals," be printed for the use of the Legislature.

*Ordered*, That the said motion be laid on the table.

Mr. M. Brooks moved that the House do now adjourn.

Mr. Speaker put the question whether the House would agree to the said motion, and it was determined in the negative.

A message from the Senate, with the bills therein mentioned, was received and read, requesting the concurrence of the Assembly to the bill entitled "An act authorising the appointment of a supreme court commissioner to reside in the county of Washington, and for other purposes;" to the bill entitled "An act relative to the Utica and Schenectady Railroad Company;" to the bill entitled "An act relative to the Syracuse and Utica Railroad Company;" to the bill entitled "An act to amend an act entitled 'An act for the relief of partners and joint debtors,' passed April 18th, 1838;" to the bill entitled "An act for the relief of Josiah Barber;" to the bill entitled "An act to incorporate the Union Mutual Insurance Company;" to the bill entitled "An act to incorporate the Norwich Cotton and Woolen Manufacturing Company;" to the bill entitled "An act to authorise John Watts De Peyster to erect a dock adjoining his lands on the Hudson river;" to the bill entitled "An act to incorporate the Ausable and Saranac Plank or Macadamized Road and Internal Navigation Company;" to the bill entitled "An act supplementary to an act entitled 'An act to establish uniform fees of clerks in naturalization cases, and to provide for the taxation of the fees of clerks and registers of counties,' passed April 6th, 1844;" to the bill entitled "An act to incorporate the Provident Life Mutual Insurance Company of the city of New-York;" to the bill entitled "An act to authorise Archibald Russel to erect a dock or wharf in the Hudson river in the town of Esopus, adjoining his lands;" to the bill entitled "An act to incorporate the Rochester Gaslight Company," and to the bill entitled "An act to authorise the appointment of a supreme court commissioner to reside in the town of Worcester in the county of Otsego."

The said bills were severally read the first time, and by unanimous consent were also read a second time, and the bill entitled "An act authorising the appointment of a supreme court commissioner to reside in the county of Washington, and for other purposes," was referred to the committee on the judiciary; the bill entitled "An act relative to the Utica and Schenectady Railroad Company," on motion of Mr. Russell,



was ordered to be laid on the table ; the bill entitled "An act relative to the Syracuse and Utica Railroad Company," on motion of Mr. Russell, was ordered to be laid on the table ; the bill entitled "An act to amend an act entitled 'An act for the relief of partners and joint debtors,' passed April 18th, 1838," was referred to the committee on the judiciary ; the bill entitled "An act for the relief of Josiah Barber," was referred to the committee on claims ; the bill entitled "An act to incorporate the Union Mutual Insurance Company," was referred to the committee on banks and insurance companies ; the bill entitled "An act to incorporate the Norwich Cotton and Woolen Manufacturing Company," was referred to the committee on trade and manufactures ; the bill entitled "An act to authorise John Watts De Peyster to erect a dock adjoining his land on the Hudson river," was referred to the committee on the internal affairs of towns and counties ; the bill entitled "An act to incorporate the Ausable and Saranac Plank or Macadamized Road and Internal Navigation Company," was referred to the committee on roads and bridges ; the bill entitled "An act supplementary to an act entitled 'An act to establish uniform fees of clerks in naturalization cases, and to provide for the taxation of the fees of clerks and registers of counties,' passed April 6, 1844," was referred to the committee on the judiciary ; the bill entitled "An act to incorporate the Provident Life Mutual Insurance Company of the city of New-York," was referred to the committee on banks and insurance companies ; the bill entitled "An act to authorise Archibald Russell to erect a dock or wharf in the Hudson river in the town of Esopus, adjoining his lands," was referred to the committee on the internal affairs of towns and counties ; the bill entitled "An act to incorporate the Rochester Gaslight Company," was referred to the committee on trade and manufactures ; and the bill entitled "An act to authorise the appointment of a supreme court commissioner to reside in the town of Worcester in the county of Otsego," was referred to the committee on the judiciary.

A message from the Senate, with the bills therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act to incorporate the Cherrycreek Union Cemetery Society ;" the bill entitled "An act to confirm the official acts of Birdseye Norton, a justice of the peace ;" the bill entitled "An act to provide for the opening and clearing a channel for Mud creek, from the State road in Cicero in the county of Onondaga, to its junction with the Oneida river in the town of Clay ;" the bill entitled "An act in relation to the court of common pleas and general sessions of the county of Allegany ;" the bill entitled "An act to authorise the Baptist Church and Society of Plainville to change their name ;" the bill entitled "An act to incorporate the Port Ontario Bridge Company," and the bill entitled "An act to incorporate the Shamrock Benevolent Association of the city of Troy," severally without amendment.

*Ordered,* That the Clerk deliver the said bills to the Governor.

The Chair announced the select committee appointed in pursuance of the resolution offered by Mr. T. R. Lee, from the committee on the judiciary, in relation to the quarantine laws, to consist of Mr. Wheeler, Mr. Comstock and Mr. Hine.

Mr. Morrison gave notice that he would, to-morrow, offer the following resolution, to wit :

*Resolved*, (if the Senate concur,) That the Canal Commissioners be authorised to construct such new locks and other repairs as may be necessary to keep the Crookedlake canal in a navigable condition, not exceeding twenty-five thousand dollars, to be paid out of any monies belonging to the Canal fund, not otherwise appropriated.

On motion of Mr. C. F. Crosby,

The House then adjourned to nine o'clock to-morrow morning.

---

## WEDNESDAY, MAY 14, 1845.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Harrington.

By unanimous consent, on motion of Mr. Morrison, the reading of the minutes of yesterday was dispensed with.

The preamble and resolutions of the common council of the city of New-York, relative to the ferries between the said city and the city of Brooklyn, were read, and ordered to be laid on the table.

Mr. Van Valkenburgh, in pursuance of previous notice, moved to suspend the rules preventing the introduction of a bill at this time.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Van Valkenburgh, and it was determined in the affirmative.

In pursuance of previous notice, Mr. Van Valkenburgh asked for and obtained leave to bring in a bill, entitled "An act to provide for the reconstruction of the locks on the Crookedlake canal ;" which was read the first time, and by unanimous consent was also read a second time.

Whereupon,

Mr. Speaker put the question whether the House would agree to suspend the rule preventing the third reading of the said bill, and it was determined in the affirmative.

Mr. Van Valkenburgh then moved that the said bill be ordered to be engrossed for a third reading.

Mr. Speaker put the question whether the House would agree to the said motion, and it was determined in the affirmative.

A copy of a resolution of the Senate was received and read, in the words following, to wit :

*Resolved*, (if the Assembly concur,) That the tenth joint rule of the Senate and Assembly be so far suspended, as to permit the following bills to be sent by the Senate to the Assembly for concurrence, to wit :

The bill entitled "An act to perfect amendments to the Constitution, in relation to the removal of judicial officers, and the property qualification for office ;" the bill entitled "An act to provide for the construction of a railroad from the Seneca lake to the New-York and Erie railroad

in the county of Chemung," and the bill entitled "An act to authorise the construction of a railroad from New-York to Albany."

Mr. M. Brooks moved to lay the said resolution on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. M. Brooks, and it was determined in the affirmative.

On motion of Mr. T. R. Lee,

The House proceeded to the consideration of the motion made by him yesterday, to print twenty times the usual number of copies of the message of the Governor, returning the bill entitled "An act in relation to the canals."

Debates were had thereon ; when

Mr. T. R. Lee amended his said motion, by adding thereto the words "and that the said document be sent, by the Clerk of this House, to the clerks of the respective counties, as soon as printed."

Debates were again had ; when

Mr. Jones called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Mr. Collins then called for a division of the question.

Mr. Speaker put the question whether the House would agree to the first clause of the said motion of Mr. T. R. Lee, providing that twenty times the usual number of copies of the message of the Governor, returning the bill entitled "An act in relation to the canals," be printed for the use of the Legislature, and it was determined in the affirmative.

|   |        |    |
|---|--------|----|
| { | AYES   | 53 |
|   | NAYS   | 51 |
|   | ABSENT | 24 |

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                 |               |                     |
|-----------------|---------------|---------------------|
| Mr. Bachman     | Mr. Fellows   | Mr. Moulton         |
| Mr. Bagg        | Mr. Fenn      | Mr. Pierce          |
| Mr. Bailey      | Mr. Fonda     | Mr. Porter          |
| Mr. Boughton    | Mr. D. Gould  | Mr. Preston         |
| Mr. J. Brooks   | Mr. Gregory   | Mr. Rogers          |
| Mr. M. Brooks   | Mr. Harden    | Mr. Russell         |
| Mr. Brower      | Mr. Hazelton  | Mr. Salisbury       |
| Mr. L. H. Brown | Mr. Hine      | Mr. Searing         |
| Mr. A. H. Buell | Mr. Jones     | Mr. Sears           |
| Mr. Bunker      | Mr. Kinne     | Mr. Skelton         |
| Mr. Burdick     | Mr. Knapp     | Mr. A. C. Smith     |
| Mr. Carpenter   | Mr. T. R. Lee | Mr. Speaker         |
| Mr. Chase       | Mr. M'Carthy  | Mr. Spring          |
| Mr. Collins     | Mr. M'Donald  | Mr. R. L. Stevenson |
| Mr. Comstock    | Mr. M'Key     | Mr. Tefft           |

Mr. Constant  
Mr. Crain  
Mr. Danforth

Mr. Mather  
Mr. Mersereau  
Mr. Morris

Mr. Wheeler  
Mr. White

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Those who voted in the negative are

Mr. Barber  
Mr. Betts  
Mr. Bevins  
Mr. Billings  
Mr. Blake  
Mr. Bloss  
Mr. S. A. Brown  
Mr. Casner  
Mr. C. F. Crosby  
Mr. Culver  
Mr. Dewey  
Mr. Dickson  
Mr. Edwards  
Mr. Field  
Mr. Frisbee  
Mr. Garretson  
Mr. Gifford

Mr. Hammond  
Mr. Hannum  
Mr. Heermans  
Mr. Hervey  
Mr. Horton  
Mr. Howard  
Mr. Hunt  
Mr. Huntington  
Mr. Jarvis  
Mr. D. Lee  
Mr. Litchfield  
Mr. Long  
Mr. M'Vean  
Mr. C. B. Miller  
Mr. S. Miller  
Mr. Morrison  
Mr. Niven

Mr. Oakley  
Mr. Pardee  
Mr. Raymond  
Mr. Rice  
Mr. Ross  
Mr. Sager  
Mr. Sherman  
Mr. W. Smith  
Mr. J. Stevenson  
Mr. Sweeney  
Mr. Tibbins  
Mr. Van Schoonhoven  
Mr. Walrath  
Mr. Wilcox  
Mr. Wynant  
Mr. A. W. Young  
Mr. J. Young

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And those who were absent are

Mr. Bowen  
Mr. T. Buel  
Mr. Bush  
Mr. Cameron  
Mr. Coe  
Mr. E. Crosby  
Mr. Dayton  
Mr. De Puy

Mr. G. Goold  
Mr. Hall  
Mr. Harris  
Mr. Johnson  
Mr. Mann  
Mr. Newkirk  
Mr. Strobridge  
Mr. Thayer

Mr. Thompson  
Mr. Titus  
Mr. Tutthill  
Mr. Van Valkenburgh  
Mr. Wells  
Mr. Whitney  
Mr. Worden  
Mr. Wyckoff

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[See Document No. 251.]

Mr. Speaker then put the question whether the House would agree to the second clause of the said motion of Mr. T. R. Lee, directing the Clerk of this House to send the said document to the clerks of the respective counties, as soon as the same is printed, and it was determined in the negative.

Mr. Hannum, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to provide for the reconstruction of the locks on the Crookedlake canal," and found the same correctly engrossed.

*Ordered,* That the said bill do have its third reading.

A message from the Senate, with the bills therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act to incorporate the Port Byron and Savannah Turnpike Road



and Bridge Company;" the bill entitled "An act to incorporate the Ronkonkama Lake Ice Company;" the bill entitled "An act in relation to the support of the poor in the county of Wayne;" the bill entitled "An act for the further relief of the New-York Eye and Ear Infirmary;" the bill entitled "An act for the publication of the session laws in two newspapers in each county of this State;" the bill entitled "An act to amend an act entitled 'An act incorporating the Long Island Railroad Company,' passed April 24th, 1834;" the bill entitled "An act for the safe keeping, and to provide a time for the distribution of the gospel and school fund monies in the several towns in the county of Onondaga;" the bill entitled "An act in relation to the interment of the dead in the village of Williamsburgh;" the bill entitled "An act to amend an act entitled 'An act to confirm the title of certain lands conveyed to Richard Richardson, an alien,' passed April 18th, 1843;" the bill entitled "An act for the relief of Michael Francisco;" the bill entitled "An act for the relief of the devisee of William Vyse, late of the city of New-York, deceased;" the bill entitled "An act declaring a part of the Big Broken-straw creek a public highway;" the bill entitled "An act to authorise the appointment of a supreme court commissioner to reside at Mayville in the county of Chautauque, and for other purposes;" the bill entitled "An act to amend an act entitled 'An act to establish a recorder's court in the city of Utica, and for other purposes,' passed May 7th, 1844;" the bill entitled "An act concerning the Congregational Society in the town of Spencer;" the bill entitled "An act concerning the Seneca Turnpike Road Company;" the bill entitled "An act for the reorganization of the almshouse department in the city and county of New-York," and the bill entitled "An act to vest certain powers in the board of supervisors of Sullivan county," severally without amendment.

*Ordered,* That the Clerk deliver the said bills to the Governor.

A message from the Senate, with the bills therein mentioned, was received and read, informing that the Senate had rejected the bill entitled "An act to incorporate the Mutual Benefit Life Insurance Company," and the bill entitled "An act for the promotion of agricultural science."

Mr. T. R. Lee, from the committee on the judiciary, to which was referred the bill from the Senate, entitled "An act to authorise the appointment of a supreme court commissioner to reside in the town of Worcester in the county of Otsego;" the bill from the Senate, entitled "An act to amend an act entitled 'An act for the relief of partners and joint debtors,' passed April 18th, 1838;" and the bill from the Senate, entitled "An act authorising the appointment of a supreme court commissioner to reside in the county of Washington, and for other purposes," reported, that the committee had examined the said bills, and saw no reason why the same should not severally be passed into laws.

*Ordered,* That the said bills do have their third reading.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act to provide for the appointment of a police justice in the village of Saratoga-Springs," with the accompanying amendments.

The said amendments having been read,

*Resolved*, That the Assembly do concur with the Senate in their said amendments.

*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred in the said amendments, and amended the bill accordingly.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act to incorporate the trustees for the management and care of the fund for the support of the Episcopate of the Diocese of New-York," with the accompanying amendments.

The said amendments having been read,

Mr. Speaker put the question whether the House would concur with the Senate in their amendments to the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 88 | } |
| { | NAYS   | 02 | } |
| { | ABSENT | 38 | } |

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. D. Gould     | Mr. Preston         |
| Mr. Bagg         | Mr. G. Gould     | Mr. Raymond         |
| Mr. Bailey       | Mr. Gregory      | Mr. Rice            |
| Mr. Betts        | Mr. Heermans     | Mr. Rogers          |
| Mr. Blake        | Mr. Hervey       | Mr. Ross            |
| Mr. Bloss        | Mr. Hine         | Mr. Russell         |
| Mr. Boughton     | Mr. Howard       | Mr. Sager           |
| Mr. Bowen        | Mr. Hunt         | Mr. Searing         |
| Mr. J. Brooks    | Mr. Jarvis       | Mr. Sears           |
| Mr. M. Brooks    | Mr. Jones        | Mr. Skelton         |
| Mr. L. H. Brown  | Mr. Kiune        | Mr. A. C. Smith     |
| Mr. S. A. Brown  | Mr. Knapp        | Mr. W. Smith        |
| Mr. Cameron      | Mr. Litchfield   | Mr. Spring          |
| Mr. Carpenter    | Mr. Long         | Mr. Strobbridge     |
| Mr. Casner       | Mr. M'Donald     | Mr. Sweeney         |
| Mr. Chase        | Mr. M'Key        | Mr. Tefft           |
| Mr. Collins      | Mr. M'Vean       | Mr. Thayer          |
| Mr. Comstock     | Mr. Mann         | Mr. Thompson        |
| Mr. Constant     | Mr. Mather       | Mr. Tibbits         |
| Mr. C. F. Crosby | Mr. C. B. Miller | Mr. Van Schoonhoven |
| Mr. Culver       | Mr. S. Miller    | Mr. Van Valkenburgh |
| Mr. Danforth     | Mr. Morris       | Mr. Walrath         |
| Mr. Dickson      | Mr. Morrison     | Mr. Wheeler         |
| Mr. Fellows      | Mr. Moulton      | Mr. White           |
| Mr. Fenn         | Mr. Newkirk      | Mr. Wilcox          |
| Mr. Field        | Mr. Oakley       | Mr. Wyckoff         |
| Mr. Fonda        | Mr. Pardee       | Mr. Wynant          |

|               |            |                 |
|---------------|------------|-----------------|
| Mr. Frisbee   | Mr. Pierce | Mr. A. W. Young |
| Mr. Garretson | Mr. Porter | Mr. J. Young    |
| Mr. Gifford   |            |                 |

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Those who voted in the negative are

|               |           |   |
|---------------|-----------|---|
| Mr. T. R. Lee | Mr. Niven | 2 |
|---------------|-----------|---|

And those who were absent are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Barber      | Mr. De Puy     | Mr. M'Carthy        |
| Mr. Bevens      | Mr. Dewey      | Mr. Mersereau       |
| Mr. Billings    | Mr. Edwards    | Mr. Salisbury       |
| Mr. Brower      | Mr. Hall       | Mr. Sherman         |
| Mr. A. H. Buell | Mr. Hammond    | Mr. Speaker         |
| Mr. T. Buel     | Mr. Hannum     | Mr. J. Stevenson    |
| Mr. Bunker      | Mr. Harden     | Mr. R. L. Stevenson |
| Mr. Burdick     | Mr. Harris     | Mr. Titus           |
| Mr. Bush        | Mr. Hazelton   | Mr. Tuthill         |
| Mr. Coe         | Mr. Horton     | Mr. Wells           |
| Mr. Crain       | Mr. Huntington | Mr. Whitney         |
| Mr. E. Crosby   | Mr. Johnson    | Mr. Worden          |
| Mr. Dayton      | Mr. D. Lee     |                     |

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*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred with them in the said amendments, and amended the bill accordingly.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act concerning the district attorney of the county of Ulster," with the accompanying amendments.

The said amendments having been read,

*Resolved*, That the Assembly do concur with the Senate in their amendments to the said bill.

*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred in the said amendments, and amended the bill accordingly.

Mr. Tefft, from the committee on claims, to which was referred the bill from the Senate, entitled "An act for the relief of Josiah Barber," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill do have its third reading.

Mr. Titus, from the committee on trade and manufactures, to which was referred the bill from the Senate, entitled "An act to incorporate the Norwich Cotton and Woolen Manufacturing Company," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill do have its third reading.

Mr. Titus, from the committee on trade and manufactures, to which was referred the bill from the Senate, entitled "An act to incorporate

the Rochester Gaslight Company," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered,* That the said bill do have its third reading.

Mr. Frisbee, from the committee on roads and bridges, to which was referred the bill from the Senate, entitled "An act to incorporate the Ausable and Saranac Plank or Macadamized Road and Internal Navigation Company," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered,* That the said bill do have its third reading.

Mr. A. H. Buell, from the committee on banks and insurance companies, to which was referred the bill from the Senate, entitled "An act to incorporate the Provident Life Mutual Insurance Company of the city of New-York," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered,* That the said bill do have its third reading.

Mr. A. H. Buell, from the committee on banks and insurance companies, to which was referred the bill from the Senate, entitled "An act to incorporate the Union Mutual Insurance Company," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered,* That the said bill do have its third reading.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the bill from the Senate, entitled "An act to authorise John Watts De Peyster to erect a dock adjoining his land on the Hudson river," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered,* That the said bill do have its third reading.

Mr. Chase, from the committee on the internal affairs of towns and counties, to which was referred the bill from the Senate, entitled "An act to authorise Archibald Russel to erect a dock or wharf in the Hudson river in the town of Esopus, adjoining his lands," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered,* That the said bill do have its third reading.

Mr. Garretson offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved,* That the several standing and select committees of this House be discharged from the further consideration of the petitions, papers, and matters referred to them during the present session, and upon which no final action has been had by such committees or this house ; and that the same be delivered to the Clerk, and placed upon the files of the house.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

A message from the Senate was received and read, informing that they had appointed Mr. Bartlit to be of the committee to examine the Treasurer's accounts.



A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
*Albany, May 13, 1845.* }

TO THE ASSEMBLY.

I have this day approved and signed the following bills :

"An act to amend an act entitled 'An act authorising a loan of certain monies belonging to the United States, deposited with the State of New-York for safe keeping,' passed April 4th, 1837."

"An act to amend an act entitled 'An act to incorporate the Albany Cemetery Association,' passed April 20th, 1841."

"An act for the relief of Baltis Simmons."

"An act relative to the superintendents of the poor in the county of Schenectady."

"An act for the relief of Isaac I. Yates."

"An act to punish the procurement of abortion, and for other purposes."

"An act to incorporate the Farmers' Mutual Insurance Company of Sherburne."

"An act for the relief of William Coleman, Abiel West and Joseph Taylor."

"An act authorising the Canal Board to grant a rehearing in certain cases."

"An act providing for the distribution of copies of the general index of the documents and laws of this State, and the census of the United States."

"An act for the relief of John E. Foley."

"An act to authorise the trustees of the village of Williamsburgh to raise money by loan or tax, to pay certain debts, and to provide for the speedy liquidation and settlement of certain disputed matters and claims in said village."

"An act recommending a Convention of the People of this State."

SILAS WRIGHT.

A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
*Albany, May 14, 1845.* }

TO THE ASSEMBLY.

I have this day approved and signed the following bills :

"An act to incorporate the Cherrycreek Union Cemetery Society."

"An act to confirm the official acts of Birdseye Norton, a justice of the peace."

"An act to provide for the opening and clearing a channel for Mud creek, from the State road in Cicero in the county of Onondaga, to its junction with the Oneida river in the town of Clay."

"An act in relation to the court of common pleas and general sessions of the county of Allegany."

"An act to authorise the Baptist Church and Society of Plainville to change their name."

"An act to incorporate the Port Ontario Bridge Company."

"An act to incorporate the Shamrock Benevolent Association of the city of Troy."

"An act declaring a part of the Big Brokenstraw creek a public highway."

"An act for the relief of the devisee of William Vyse, late of the city of New-York, deceased."

"An act for the reorganization of the almshouse department in the city of New York."

"An act in relation to the interment of the dead in the village of Williamsburgh."

"An act for the relief of Michael Francisco."

"An act to amend an act entitled 'An act to confirm the title of certain lands conveyed to Richard Richardson, an alien,' passed April 18, 1843."

"An act concerning the Seneca Turnpike Road Company."

"An act for the safe keeping, and to provide a time for the distribution of the gospel and school fund monies in the several towns in the county of Onondaga."

"An act to amend an act entitled 'An act incorporating the Long Island Railroad Company,' passed April 24th, 1834."

"An act to authorise the appointment of a supreme court commissioner to reside at Mayville in the county of Chautauque, and for other purposes."

"An act to amend an act entitled 'An act to establish a recorder's court in the city of Utica, and for other purposes,' passed May 7th, 1844."

"An act for the publication of the session laws in two newspapers in each county of this State."

"An act for the further relief of the New-York Eye and Ear Infirmary."

"An act to vest certain powers in the board of supervisors of Sullivan county."

"An act for the relief of Arunah M. Adsit and others."

"An act to amend an act to incorporate the Rensselaer Oswego Academy, passed April 13th, 1826."

"An act to amend the charter of the village of Cazenovia."

"An act relative to the village of Syracuse."

SILAS WRIGHT.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act relative to the city of Brooklyn," with the accompanying amendments.

The said amendments having been read,

Mr. Speaker put the question whether the House would concur with the Senate in their amendments to the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 92 | } |
|   | NAYS   | 00 |   |
|   | ABSENT | 36 |   |

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Gregory      | Mr. Preston         |
| Mr. Bagg         | Mr. Hammond      | Mr. Raymond         |
| Mr. Bailey       | Mr. Hannum       | Mr. Rice            |
| Mr. Barber       | Mr. Harden       | Mr. Rogers          |
| Mr. Betts        | Mr. Heermans     | Mr. Ross            |
| Mr. Bevens       | Mr. Hervey       | Mr. Russell         |
| Mr. Bloss        | Mr. Hine         | Mr. Sager           |
| Mr. Boughton     | Mr. Howard       | Mr. Salisbury       |
| Mr. Bowen        | Mr. Hunt         | Mr. Searing         |
| Mr. J. Brooks    | Mr. Huntington   | Mr. Sears           |
| Mr. M. Brooks    | Mr. Jarvis       | Mr. Sherman         |
| Mr. L. H. Brown  | Mr. Johnson      | Mr. Skelton         |
| Mr. S. A. Brown  | Mr. Jones        | Mr. A. C. Smith     |
| Mr. A. H. Buell  | Mr. Kinne        | Mr. W. Smith        |
| Mr. Burdick      | Mr. Knapp        | Mr. Spring          |
| Mr. Casner       | Mr. D. Lee       | Mr. R. L. Stevenson |
| Mr. Chase        | Mr. T. R. Lee    | Mr. Strobbridge     |
| Mr. Comstock     | Mr. Litchfield   | Mr. Sweeney         |
| Mr. C. F. Crosby | Mr. Long         | Mr. Tefft           |
| Mr. Culver       | Mr. M'Carthy     | Mr. Thayer          |
| Mr. De Puy       | Mr. M'Donald     | Mr. Thompson        |
| Mr. Dewey        | Mr. M'Key        | Mr. Tibbits         |
| Mr. Edwards      | Mr. M'Vean       | Mr. Van Valkenburgh |
| Mr. Fellows      | Mr. Mather       | Mr. Walrath         |
| Mr. Feen         | Mr. C. B. Miller | Mr. Wheeler         |
| Mr. Field        | Mr. S. Miller    | Mr. White           |
| Mr. Fonda        | Mr. Morris       | Mr. Wyckoff         |
| Mr. Frisbee      | Mr. Moulton      | Mr. Wynant          |
| Mr. Garretson    | Mr. Pardee       | Mr. A. W. Young     |
| Mr. Gifford      | Mr. Pierce       | Mr. J. Young        |
| Mr. D. Gould     | Mr. Porter       |                     |

92

And those who were absent are

|               |               |                     |
|---------------|---------------|---------------------|
| Mr. Billings  | Mr. E. Crosby | Mr. Newkirk         |
| Mr. Blake     | Mr. Danforth  | Mr. Niven           |
| Mr. Brower    | Mr. Dayton    | Mr. Oakley          |
| Mr. T. Buel   | Mr. Dickson   | Mr. Speaker         |
| Mr. Bunker    | Mr. G. Gould  | Mr. J. Stevenson    |
| Mr. Bush      | Mr. Hall      | Mr. Tiuss           |
| Mr. Cameron   | Mr. Harris    | Mr. Tutbill         |
| Mr. Carpenter | Mr. Hazelton  | Mr. Van Schoonhoven |
| Mr. Coe       | Mr. Horton    | Mr. Wells           |
| Mr. Collins   | Mr. Mann      | Mr. Whitney         |
| Mr. Constant  | Mr. Mersereau | Mr. Wilcox          |
| Mr. Crain     | Mr. Morrison  | Mr. Worden          |

36

*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred with them in the said amendments, and amended the bill accordingly.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act to incorporate the Farmers' Mutual Insurance Company of Erie county," with the accompanying amendments.

The said amendments having been read,

Mr. Speaker put the question whether the House would concur with the Senate in their amendments to the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 92 | } |
| { | NAYS   | 00 | } |
| { | ABSENT | 36 | } |

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bagg         | Mr. Gifford      | Mr. Oakley          |
| Mr. Barber       | Mr. D. Gould     | Mr. Pardee          |
| Mr. Betts        | Mr. Gregory      | Mr. Pierce          |
| Mr. Bevens       | Mr. Hammond      | Mr. Preston         |
| Mr. Blake        | Mr. Hannum       | Mr. Raymond         |
| Mr. Bloss        | Mr. Harden       | Mr. Rice            |
| Mr. Boughton     | Mr. Hazelton     | Mr. Rogers          |
| Mr. Bowen        | Mr. Heermans     | Mr. Ross            |
| Mr. J. Brooks    | Mr. Hervey       | Mr. Russell         |
| Mr. M. Brooks    | Mr. Horton       | Mr. Sager           |
| Mr. L. H. Brown  | Mr. Howard       | Mr. Salisbury       |
| Mr. S. A. Brown  | Mr. Hunt         | Mr. Searing         |
| Mr. A. H. Buell  | Mr. Huntington   | Mr. Sears           |
| Mr. Burdick      | Mr. Jarvis       | Mr. Sherman         |
| Mr. Bush         | Mr. Johnson      | Mr. Skelton         |
| Mr. Carpenter    | Mr. Jones        | Mr. W. Smith        |
| Mr. Casner       | Mr. Kinne        | Mr. Spring          |
| Mr. Chase        | Mr. Knapp        | Mr. R. L. Stevenson |
| Mr. Collins      | Mr. D. Lee       | Mr. Strobidge       |
| Mr. Comstock     | Mr. T. R. Lee    | Mr. Sweeney         |
| Mr. C. F. Crosby | Mr. Litchfield   | Mr. Tefft           |
| Mr. Culver       | Mr. M'Carthy     | Mr. Thayer          |
| Mr. Danforth     | Mr. M'Donald     | Mr. Thompson        |
| Mr. De Puy       | Mr. M'Key        | Mr. Tibbits         |
| Mr. Dewey        | Mr. M'Vean       | Mr. Van Schoonhoven |
| Mr. Edwards      | Mr. Mather       | Mr. Walrath         |
| Mr. Fellows      | Mr. C. B. Miller | Mr. Wheeler         |
| Mr. Fenn         | Mr. S. Miller    | Mr. Wynant          |
| Mr. Field        | Mr. Morris       | Mr. A. W. Young     |
| Mr. Fonda        | Mr. Moulton      | Mr. J. Young        |
| Mr. Frisbee      | Mr. Niven        |                     |



And those who were absent are

|               |               |                     |
|---------------|---------------|---------------------|
| Mr. Bachman   | Mr. Dickson   | Mr. A. C. Smith     |
| Mr. Bailey    | Mr. Garretson | Mr. Speaker         |
| Mr. Billings  | Mr. G. Gould  | Mr. J. Stevenson    |
| Mr. Brower    | Mr. Hall      | Mr. Titus           |
| Mr. T. Buel   | Mr. Harris    | Mr. Tuthill         |
| Mr. Bunker    | Mr. Hine      | Mr. Van Valkenburgh |
| Mr. Cameron   | Mr. Long      | Mr. Wells           |
| Mr. Coe       | Mr. Mann      | Mr. White           |
| Mr. Constant  | Mr. Mersereau | Mr. Whitney         |
| Mr. Crain     | Mr. Morrison  | Mr. Wilcox          |
| Mr. E. Crosby | Mr. Newkirk   | Mr. Worden          |
| Mr. Dayton    | Mr. Porter    | Mr. Wyckoff         |

36

*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred in the said amendments, and amended the bill accordingly.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act in relation to the temporary relief of the poor in the county of Livingston, and such other counties as may adopt the provisions of this act," with the accompanying amendments.

The said amendments having been read,

*Resolved*, That the Assembly do concur with the Senate in their said amendments.

*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred with them in the said amendments, and amended the bill accordingly.

In pursuance of a special order,

The House proceeded to the consideration of the motion heretofore made for a reconsideration of the vote on the final passage of the bill from the Senate, entitled "An act to establish and regulate ferries between the city of New-York and Long Island."

Mr. Speaker put the question whether the House would agree to the said motion, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 88 | } |
| { | NAYS   | 24 | } |
| { | ABSENT | 16 | } |

Those who voted in the affirmative are

|             |              |               |
|-------------|--------------|---------------|
| Mr. Bachman | Mr. Gregory  | Mr. Rice      |
| Mr. Bagg    | Mr. Hammond  | Mr. Rogers    |
| Mr. Bailey  | Mr. Hannum   | Mr. Russell   |
| Mr. Betts   | Mr. Harden   | Mr. Sager     |
| Mr. Bevins  | Mr. Harris   | Mr. Salisbury |
| Mr. Blake   | Mr. Hazelton | Mr. Searing   |

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bloss       | Mr. Heermans     | Mr. Scars           |
| Mr. Boughton    | Mr. Hervey       | Mr. Sherman         |
| Mr. J. Brooks   | Mr. Hine         | Mr. Skelton         |
| Mr. M. Brooks   | Mr. Horton       | Mr. A. C. Smith     |
| Mr. Brower      | Mr. Howard       | Mr. W. Smith        |
| Mr. L. H. Brown | Mr. Huntington   | Mr. Spring          |
| Mr. S. A. Brown | Mr. Jones        | Mr. J. Stevenson    |
| Mr. A. H. Buell | Mr. Kinne        | Mr. R. L. Stevenson |
| Mr. Bunker      | Mr. Knapp        | Mr. Stobridge       |
| Mr. Burdick     | Mr. D. Lee       | Mr. Sweeney         |
| Mr. Bush        | Mr. Litchfield   | Mr. Tefft           |
| Mr. Cameron     | Mr. Long         | Mr. Thayer          |
| Mr. Carpenter   | Mr. McCarthy     | Mr. Tibbits         |
| Mr. Chase       | Mr. C. B. Miller | Mr. Titus           |
| Mr. Comstock    | Mr. S. Miller    | Mr. Tutbill         |
| Mr. Crain       | Mr. Morris       | Mr. Van Schoonhoven |
| Mr. Danforth    | Mr. Newkirk      | Mr. Van Valkenburgh |
| Mr. Dewey       | Mr. Niven        | Mr. Walrath         |
| Mr. Fellows     | Mr. Pardee       | Mr. Whitney         |
| Mr. Field       | Mr. Pierce       | Mr. Wilcox          |
| Mr. Fonda       | Mr. Porter       | Mr. Wyckoff         |
| Mr. Frisbee     | Mr. Preston      | Mr. Wynant          |
| Mr. Gifford     | Mr. Raymond      | Mr. A. W. Young     |
| Mr. D. Gould    |                  |                     |

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Those who voted in the negative are

|                  |               |              |
|------------------|---------------|--------------|
| Mr. Barber       | Mr. Hunt      | Mr. Mather   |
| Mr. Collins      | Mr. Jarvis    | Mr. Morrison |
| Mr. Constant     | Mr. Johnson   | Mr. Moulton  |
| Mr. C. F. Crosby | Mr. T. R. Lee | Mr. Oakley   |
| Mr. Culver       | Mr. McDonald  | Mr. Ross     |
| Mr. De Puy       | Mr. M'Key     | Mr. Thompson |
| Mr. Fenn         | Mr. M'Vean    | Mr. Wheeler  |
| Mr. Garretson    | Mr. Mann      | Mr. White    |

24

And those who were absent are

|               |              |               |
|---------------|--------------|---------------|
| Mr. Billings  | Mr. Dayton   | Mr. Mersereau |
| Mr. Bowen     | Mr. Dickson  | Mr. Speaker   |
| Mr. T. Buel   | Mr. Edwards  | Mr. Wells     |
| Mr. Casner    | Mr. G. Goold | Mr. Worden    |
| Mr. Coe       | Mr. Hall     | Mr. J. Young  |
| Mr. E. Crosby |              |               |

16

Thereupon,

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 86 | } |
|   | NAYS   | 22 |   |
|   | ABSENT | 20 |   |

Those who voted in the affirmative are

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bachman     | Mr. Hannum       | Mr. Raymond         |
| Mr. Bagg        | Mr. Harden       | Mr. Rice            |
| Mr. Bailey      | Mr. Harris       | Mr. Rogers          |
| Mr. Betts       | Mr. Hazelton     | Mr. Russell         |
| Mr. Blake       | Mr. Heermans     | Mr. Sager           |
| Mr. Bloss       | Mr. Hervey       | Mr. Salisbury       |
| Mr. Boughton    | Mr. Hine         | Mr. Sears           |
| Mr. J. Brooks   | Mr. Horton       | Mr. Skelton         |
| Mr. M. Brooks   | Mr. Howard       | Mr. A. C. Smith     |
| Mr. Brower      | Mr. Huntington   | Mr. W. Smith        |
| Mr. L. H. Brown | Mr. Johnson      | Mr. Spring          |
| Mr. S. A. Brown | Mr. Jones        | Mr. J. Stevenson    |
| Mr. A. H. Buell | Mr. Kinne        | Mr. R. L. Stevenson |
| Mr. Bunker      | Mr. Knapp        | Mr. Strobbridge     |
| Mr. Burdick     | Mr. D. Lee       | Mr. Sweeney         |
| Mr. Cameron     | Mr. Litchfield   | Mr. Tefft           |
| Mr. Carpenter   | Mr. Long         | Mr. Thayer          |
| Mr. Chase       | Mr. M'Carthy     | Mr. Tibbits         |
| Mr. Comstock    | Mr. M'Donald     | Mr. Titus           |
| Mr. Crain       | Mr. M'Key        | Mr. Tuthill         |
| Mr. Danforth    | Mr. C. B. Miller | Mr. Van Schoonhoven |
| Mr. Dewey       | Mr. S. Miller    | Mr. Van Valkenburgh |
| Mr. Fellows     | Mr. Morris       | Mr. Walrath         |
| Mr. Field       | Mr. Newkirk      | Mr. Whitney         |
| Mr. Fonda       | Mr. Niven        | Mr. Wilcox          |
| Mr. Frisbee     | Mr. Pardee       | Mr. Wyckoff         |
| Mr. D. Gould    | Mr. Pierce       | Mr. Wynant          |
| Mr. Gregory     | Mr. Porter       | Mr. A. W. Young     |
| Mr. Hammond     | Mr. Preston      |                     |

86

Those who voted in the negative are

|                  |               |              |
|------------------|---------------|--------------|
| Mr. Barber       | Mr. Garretson | Mr. Moulton  |
| Mr. Bevens       | Mr. Hunt      | Mr. Oakley   |
| Mr. Collins      | Mr. Jarvis    | Mr. Ross     |
| Mr. Constant     | Mr. T. R. Lee | Mr. Searing  |
| Mr. C. F. Crosby | Mr. M'Vean    | Mr. Thompson |
| Mr. Culver       | Mr. Mann      | Mr. Wheeler  |
| Mr. De Puy       | Mr. Morrison  | Mr. White    |
| Mr. Fenn         |               |              |

22

And those who were absent are

|              |             |               |
|--------------|-------------|---------------|
| Mr. Billings | Mr. Dayton  | Mr. Mersereau |
| Mr. Bowen    | Mr. Dickson | Mr. Sherman   |

Mr. T. Buel  
Mr. Bush  
Mr. Casner  
Mr. Coe  
Mr. E. Crosby

Mr. Edwards  
Mr. Gifford  
Mr. G. Goold  
Mr. Hall  
Mr. Mather

Mr. Speaker  
Mr. Wells  
Mr. Worden  
Mr. J. Young

20

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The House then resolved itself into a committee of the whole, on the bill entitled "An act to provide for the payment of certain expenses of government;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Morrison, from the said committee, reported, that the committee had gone through the said bill, made sundry amendments thereto, and agreed to the same; which report was agreed to by the house, and the bill ordered to be engrossed for a third reading.

Mr. M'Carthy offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That the Clerk of the Assembly pay, out of the contingent fund thereof, to Henry Bradt, George Kilburn and Francis Masterson, the sum of two dollars per day each, for their services in making fires, etc.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

A copy of a resolution of the Senate was received and read, in the words following, to wit:

*Resolved*, (if the Assembly concur.) That the time fixed for the adjournment of the Legislature be extended to four o'clock this day.

Mr. Russell moved to amend the said resolution, so as to extend the time of adjournment to nine o'clock this evening.

Mr. Oakley called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Whereupon,

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

|   |        |    |
|---|--------|----|
| { | AYES   | 91 |
| { | NAYS   | 19 |
| { | ABSENT | 18 |

The ayes and nays being required by ten members,

Those who voted in the affirmative are

Mr. Bachman  
Mr. Bagg  
Mr. Betts  
Mr. Bevins

Mr. Fonda  
Mr. Frisbee  
Mr. Garretson  
Mr. G. Goold

Mr. Niven  
Mr. Pardee  
Mr. Pierce  
Mr. Porter



|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Billings     | Mr. Gregory      | Mr. Preston         |
| Mr. Blake        | Mr. Hammond      | Mr. Rice            |
| Mr. Bloss        | Mr. Harden       | Mr. Rogers          |
| Mr. Boughton     | Mr. Hazelton     | Mr. Russell         |
| Mr. Bowen        | Mr. Heermans     | Mr. Sager           |
| Mr. J. Brooks    | Mr. Hervey       | Mr. Salisbury       |
| Mr. M. Brooks    | Mr. Hine         | Mr. Searing         |
| Mr. Brower       | Mr. Johnson      | Mr. Sears           |
| Mr. L. H. Brown  | Mr. Jones        | Mr. Sherman         |
| Mr. Bunker       | Mr. Kinne        | Mr. Skelton         |
| Mr. Burdick      | Mr. Knapp        | Mr. A. C. Smith     |
| Mr. Bush         | Mr. D. Lee       | Mr. Speaker         |
| Mr. Cameron      | Mr. T. R. Lee    | Mr. Spring          |
| Mr. Carpenter    | Mr. Long         | Mr. J. Stevenson    |
| Mr. Casner       | Mr. M'Carthy     | Mr. R. L. Stevenson |
| Mr. Chase        | Mr. M'Donald     | Mr. Sweeney         |
| Mr. Collins      | Mr. M'Key        | Mr. Telft           |
| Mr. Comstock     | Mr. M'Vean       | Mr. Thayer          |
| Mr. Constant     | Mr. Mather       | Mr. Titus           |
| Mr. Crain        | Mr. Metcraeu     | Mr. Van Valkenburgh |
| Mr. C. F. Crosby | Mr. C. B. Miller | Mr. White           |
| Mr. Danforth     | Mr. S. Miller    | Mr. Whitney         |
| Mr. De Puy       | Mr. Morris       | Mr. Wilcox          |
| Mr. Dickson      | Mr. Morrison     | Mr. Wyckoff         |
| Mr. Edwards      | Mr. Moulton      | Mr. Wynant          |
| Mr. Fellows      | Mr. Newkirk      | Mr. A. W. Young     |
| Mr. Field        |                  |                     |

91

Those who voted in the negative are

|             |                |                |
|-------------|----------------|----------------|
| Mr. Bailey  | Mr. Hunt       | Mr. Raymond    |
| Mr. Culver  | Mr. Huntington | Mr. Strobridge |
| Mr. Dewey   | Mr. Jarvis     | Mr. Thompson   |
| Mr. Fenn    | Mr. Litchfield | Mr. Tibbits    |
| Mr. Gifford | Mr. Mann       | Mr. Wheeler    |
| Mr. Hannum  | Mr. Oakley     | Mr. J. Young   |
| Mr. Howard  |                |                |

19

And those who were absent are

|                 |              |                     |
|-----------------|--------------|---------------------|
| Mr. Barber      | Mr. Dayton   | Mr. W. Smith        |
| Mr. S. A. Brown | Mr. D. Gould | Mr. Tuthill         |
| Mr. A. H. Buell | Mr. Hall     | Mr. Van Schoonhoven |
| Mr. T. Buel     | Mr. Harris   | Mr. Walrath         |
| Mr. Coe         | Mr. Horton   | Mr. Wells           |
| Mr. E. Crosby   | Mr. Ross     | Mr. Worden          |

18

*Ordered*, That the Clerk return the said resolution to the Senate, and inform them that the Assembly have concurred in the same without amendment.

Mr. Van Valkenburgh moved to suspend the rule which prevents the third reading of the bill entitled "An act to provide for the reconstruction of the locks on the Crookedlake canal."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Van Valkenburgh, and it was determined in the affirmative.

The said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.

|   |        |    |
|---|--------|----|
| { | AYES   | 61 |
|   | NAYS   | 14 |
|   | ABSENT | 53 |

The ayes and nays being required by ten members,

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Gregory      | Mr. Niven           |
| Mr. Bagg         | Mr. Harden       | Mr. Pardee          |
| Mr. Bailey       | Mr. Hervey       | Mr. Pierce          |
| Mr. Barber       | Mr. Hine         | Mr. Porter          |
| Mr. Beets        | Mr. Huntington   | Mr. Raymond         |
| Mr. Bevans       | Mr. Jarvis       | Mr. Rogers          |
| Mr. Blake        | Mr. Johnson      | Mr. Russell         |
| Mr. Bloss        | Mr. Kinne        | Mr. Sager           |
| Mr. Boughton     | Mr. Knapp        | Mr. Salisbury       |
| Mr. L. H. Brown  | Mr. D. Lee       | Mr. Searing         |
| Mr. Bush         | Mr. T. R. Lee    | Mr. A. C. Smith     |
| Mr. Carpenter    | Mr. M'Carthy     | Mr. Spring          |
| Mr. Casner       | Mr. M'Key        | Mr. J. Stevenson    |
| Mr. Chase        | Mr. M'Vean       | Mr. Sweeney         |
| Mr. Crain        | Mr. Mather       | Mr. Tibbits         |
| Mr. C. F. Crosby | Mr. C. B. Miller | Mr. Van Valkenburgh |
| Mr. Dickson      | Mr. S. Miller    | Mr. Wyckoff         |
| Mr. Edwards      | Mr. Morris       | Mr. Wynant          |
| Mr. Gifford      | Mr. Morrison     | Mr. A. W. Young     |
| Mr. D. Gould     | Mr. Newkirk      | Mr. J. Young        |
| Mr. G. Goold     |                  |                     |

61

Those who voted in the negative are

|              |                |             |
|--------------|----------------|-------------|
| Mr. Coe      | Mr. Howard     | Mr. Preston |
| Mr. Danforth | Mr. Litchfield | Mr. Rice    |
| Mr. Dewey    | Mr. Long       | Mr. Wheeler |
| Mr. Field    | Mr. M'onald    | Mr. Whitney |
| Mr. Hannum   | Mr. Oakley     |             |

14

And those who were absent are

|                 |               |                     |
|-----------------|---------------|---------------------|
| Mr. Billings    | Mr. Fellows   | Mr. Sherman         |
| Mr. Bowen       | Mr. Fenn      | Mr. Skelton         |
| Mr. J. Brooks   | Mr. Fonda     | Mr. W. Smith        |
| Mr. M. Brooks   | Mr. Frisbee   | Mr. Speaker         |
| Mr. Brower      | Mr. Garretson | Mr. R. L. Stevenson |
| Mr. S. A. Brown | Mr. Hall      | Mr. Sirobridge      |
| Mr. A. H. Buell | Mr. Hammond   | Mr. Tefft           |
| Mr. T. Buel     | Mr. Harris    | Mr. Thayer          |
| Mr. Bunker      | Mr. Hazelton  | Mr. Thompson        |
| Mr. Burdick     | Mr. Heermans  | Mr. Titus           |
| Mr. Cameron     | Mr. Horton    | Mr. Tuthill         |
| Mr. Collins     | Mr. Hunt      | Mr. Van Schoonhoven |
| Mr. Comstock    | Mr. Jones     | Mr. Walrath         |
| Mr. Constant    | Mr. Mann      | Mr. Wells           |
| Mr. E. Crosby   | Mr. Mersereau | Mr. White           |
| Mr. Culver      | Mr. Moulton   | Mr. Wilcox          |
| Mr. Dayton      | Mr. Ross      | Mr. Worden          |
| Mr. De Puy      | Mr. Sears     |                     |

53

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bill therewith delivered, entitled "An act to provide for the construction of a railroad from the head of Seneca lake, to the New-York and Erie railroad in the county of Steuben."

Mr. Russell moved to suspend the rules, so as to permit the reception of the said bill.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Russell, and it was determined in the affirmative.

The said bill was then read the first time, and by unanimous consent was also read a second time, and ordered to have its third reading.

Mr. Russell offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, (if the Senate concur,) That the tenth joint rule be suspended, to allow the transmission to the Senate of the bill to provide for the reconstruction of the locks on the Crookedlake canal.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

*Ordered*, That the Clerk deliver the said resolution to the Senate, and request their concurrence in the same.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act to extend for a limited period the charter of the Bank of Rochester," with the accompanying amendments.

The said amendments having been read,

Mr. Speaker put the question whether the House would concur with the Senate in their amendments to the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |     |   |
|---|--------|-----|---|
| { | AYES   | 105 | } |
|   | NAYS   | 06  |   |
| { | ABSENT | 17  | } |

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Gregory      | Mr. Porter          |
| Mr. Bagg         | Mr. Hammond      | Mr. Preston         |
| Mr. Barber       | Mr. Hannum       | Mr. Raymond         |
| Mr. Betts        | Mr. Harden       | Mr. Rice            |
| Mr. Bevens       | Mr. Harris       | Mr. Rogers          |
| Mr. Billings     | Mr. Hazelton     | Mr. Ross            |
| Mr. Blake        | Mr. Heermans     | Mr. Russell         |
| Mr. Bloss        | Mr. Hervey       | Mr. Sager           |
| Mr. Boughton     | Mr. Hine         | Mr. Salisbury       |
| Mr. Bowen        | Mr. Horton       | Mr. Searing         |
| Mr. M. Brooks    | Mr. Howard       | Mr. Sears           |
| Mr. L. H. Brown  | Mr. Hunt         | Mr. Sherman         |
| Mr. S. A. Brown  | Mr. Huntington   | Mr. Skelton         |
| Mr. Burdick      | Mr. Jarvis       | Mr. A. C. Smith     |
| Mr. Bush         | Mr. Kinne        | Mr. W. Smith        |
| Mr. Cameron      | Mr. Knapp        | Mr. Spring          |
| Mr. Carpenter    | Mr. D. Lee       | Mr. J. Stevenson    |
| Mr. Casner       | Mr. T. R. Lee    | Mr. R. L. Stevenson |
| Mr. Coe          | Mr. M'Carthy     | Mr. Sweeney         |
| Mr. Collins      | Mr. M'Donald     | Mr. Thayer          |
| Mr. Comstock     | Mr. M'Key        | Mr. Thompson        |
| Mr. Constant     | Mr. M'Vean       | Mr. Tibbits         |
| Mr. C. F. Crosby | Mr. Mann         | Mr. Titus           |
| Mr. Culver       | Mr. Mather       | Mr. Tuthill         |
| Mr. Danforth     | Mr. Mersereau    | Mr. Van Schoonhoven |
| Mr. De Puy       | Mr. C. B. Miller | Mr. Van Valkenburgh |
| Mr. Dewey        | Mr. S. Miller    | Mr. Walrath         |
| Mr. Dickson      | Mr. Morris       | Mr. Wheeler         |
| Mr. Edwards      | Mr. Morrison     | Mr. White           |
| Mr. Fellows      | Mr. Moulton      | Mr. Wilcox          |
| Mr. Field        | Mr. Newkirk      | Mr. Worden          |
| Mr. Frisbee      | Mr. Niven        | Mr. Wyckoff         |
| Mr. Gifford      | Mr. Oakley       | Mr. Wynant          |
| Mr. D. Gould     | Mr. Pardee       | Mr. A. W. Young     |
| Mr. G. Goold     | Mr. Pierce       | Mr. J. Young        |

105

Those who voted in the negative are

|               |                 |           |
|---------------|-----------------|-----------|
| Mr. Bailey    | Mr. Brower      | Mr. Chase |
| Mr. J. Brooks | Mr. A. H. Buell | Mr. Crain |

6

And those who were absent are



|               |                |                 |
|---------------|----------------|-----------------|
| Mr. T. Buel   | Mr. Garretson  | Mr. Speaker     |
| Mr. Bunker    | Mr. Hall       | Mr. Strobbridge |
| Mr. E. Crosby | Mr. Johnson    | Mr. Tefft       |
| Mr. Dayton    | Mr. Jones      | Mr. Wells       |
| Mr. Fenn      | Mr. Litchfield | Mr. Whitney     |
| Mr. Fonda     | Mr. Long       |                 |

17

*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred in the said amendments, and amended the bill accordingly.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act to extend for a limited period the charter of the Commercial Bank of Albany," with the accompanying amendments.

The said amendments having been read,

Mr. Speaker put the question whether the House would concur with the Senate in their amendments to the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |     |   |
|---|--------|-----|---|
| { | AYES   | 108 | } |
| { | NAYS   | 07  | } |
| { | ABSENT | 13  | } |

Those who voted in the affirmative are

|                  |                |                     |
|------------------|----------------|---------------------|
| Mr. Bachman      | Mr. Gregory    | Mr. Porter          |
| Mr. Bagg         | Mr. Hammond    | Mr. Preston         |
| Mr. Barber       | Mr. Hannum     | Mr. Raymond         |
| Mr. Betts        | Mr. Harden     | Mr. Rice            |
| Mr. Bevens       | Mr. Harris     | Mr. Rogers          |
| Mr. Billings     | Mr. Hazelton   | Mr. Ross            |
| Mr. Blake        | Mr. Heermans   | Mr. Russell         |
| Mr. Bloss        | Mr. Hervey     | Mr. Sager           |
| Mr. Boughton     | Mr. Hine       | Mr. Salisbury       |
| Mr. Bowen        | Mr. Horton     | Mr. Searing         |
| Mr. M. Brooks    | Mr. Howard     | Mr. Sears           |
| Mr. L. H. Brown  | Mr. Hunt       | Mr. Sherman         |
| Mr. S. A. Brown  | Mr. Huntington | Mr. Skelton         |
| Mr. Burdick      | Mr. Jarvis     | Mr. A. C. Smith     |
| Mr. Bush         | Mr. Johnson    | Mr. W. Smith        |
| Mr. Carpenter    | Mr. Kinne      | Mr. Speaker         |
| Mr. Casner       | Mr. Knapp      | Mr. Spring          |
| Mr. Coe          | Mr. D. Lee     | Mr. J. Stevenson    |
| Mr. Collins      | Mr. T. R. Lee  | Mr. R. L. Stevenson |
| Mr. Comstock     | Mr. Litchfield | Mr. Sweeney         |
| Mr. Constant     | Mr. M'Carthy   | Mr. Thayer          |
| Mr. C. F. Crosby | Mr. M'Donald   | Mr. Thompson        |
| Mr. Culver       | Mr. M'Key      | Mr. Tibbits         |
| Mr. Danforth     | Mr. M'Vean     | Mr. Titus           |

|               |                  |                     |
|---------------|------------------|---------------------|
| Mr. De Puy    | Mr. Mann         | Mr. Tutbill         |
| Mr. Dewey     | Mr. Mather       | Mr. Van Schoonhoven |
| Mr. Dickson   | Mr. Mersereau    | Mr. Van Valkenburgh |
| Mr. Edwards   | Mr. C. B. Miller | Mr. Walrath         |
| Mr. Fellows   | Mr. S. Miller    | Mr. Wheeler         |
| Mr. Field     | Mr. Morris       | Mr. White           |
| Mr. Fonda     | Mr. Morrison     | Mr. Wilcox          |
| Mr. Frisbee   | Mr. Moulton      | Mr. Worden          |
| Mr. Garretson | Mr. Newkirk      | Mr. Wyckoff         |
| Mr. Gifford   | Mr. Niven        | Mr. Wynant          |
| Mr. D. Gould  | Mr. Oakley       | Mr. A. W. Young     |
| Mr. G. Goold  | Mr. Pardee       | Mr. J. Young        |

108

Those who voted in the negative are

|               |                 |           |
|---------------|-----------------|-----------|
| Mr. Bailey    | Mr. A. H. Buell | Mr. Crain |
| Mr. J. Brooks | Mr. Chase       | Mr. Fenn  |
| Mr. Brower    |                 |           |

7

And those who were absent are

|               |            |                 |
|---------------|------------|-----------------|
| Mr. T. Buel   | Mr. Hall   | Mr. Strobbridge |
| Mr. Bunker    | Mr. Jones  | Mr. Tefft       |
| Mr. Cameron   | Mr. Long   | Mr. Wells       |
| Mr. E. Crosby | Mr. Pierce | Mr. Whitney     |
| Mr. Dayton    |            |                 |

13

*Ordered,* That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred in the said amendments, and amended the bill accordingly.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act to provide for the construction of a railroad from the navigable waters of the great western lakes to Lake Champlain," with the accompanying amendments.

The said amendments having been read,

Mr. Wheeler moved to lay the said bill and amendments on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Wheeler, and it was determined in the negative.

Mr. Speaker then put the question whether the House would concur with the Senate in their amendments to the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 98 | } |
| { | NAYS   | 06 | } |
| { | ABSENT | 24 | } |

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Gifford      | Mr. Raymond         |
| Mr. Bagg         | Mr. D. Gould     | Mr. Rice            |
| Mr. Bailey       | Mr. G. Goold     | Mr. Rogers          |
| Mr. Barber       | Mr. Gregory      | Mr. Ross            |
| Mr. Betts        | Mr. Hammond      | Mr. Russell         |
| Mr. Bevins       | Mr. Harden       | Mr. Sager           |
| Mr. Bowen        | Mr. Harris       | Mr. Salisbury       |
| Mr. J. Brooks    | Mr. Hazelton     | Mr. Searing         |
| Mr. M. Brooks    | Mr. Heermans     | Mr. Sears           |
| Mr. L. H. Brown  | Mr. Hervey       | Mr. Sherman         |
| Mr. S. A. Brown  | Mr. Hine         | Mr. Skelton         |
| Mr. Bunker       | Mr. Horton       | Mr. A. C. Smith     |
| Mr. Burdick      | Mr. Hunt         | Mr. W. Smith        |
| Mr. Bush         | Mr. Huntington   | Mr. Speaker         |
| Mr. Cameron      | Mr. Johnson      | Mr. Spring          |
| Mr. Carpenter    | Mr. Kinne        | Mr. J. Stevenson    |
| Mr. Casner       | Mr. Knapp        | Mr. R. L. Stevenson |
| Mr. Chase        | Mr. D. Lee       | Mr. Strobridge      |
| Mr. Coe          | Mr. T. R. Lee    | Mr. Sweeney         |
| Mr. Collins      | Mr. Litchfield   | Mr. Tefft           |
| Mr. Comstock     | Mr. Long         | Mr. Thayer          |
| Mr. Constant     | Mr. M'Carthy     | Mr. Tibbits         |
| Mr. Crain        | Mr. M'Donald     | Mr. Titus           |
| Mr. C. F. Crosby | Mr. M'Key        | Mr. Tutill          |
| Mr. Danforth     | Mr. M'Vean       | Mr. Van Schoonhoven |
| Mr. Dewey        | Mr. C. B. Miller | Mr. Walrath         |
| Mr. Dickson      | Mr. S. Miller    | Mr. White           |
| Mr. Edwards      | Mr. Morris       | Mr. Wilcox          |
| Mr. Fellows      | Mr. Newkirk      | Mr. Wyckoff         |
| Mr. Field        | Mr. Niven        | Mr. Wynant          |
| Mr. Fonda        | Mr. Pardee       | Mr. A. W. Young     |
| Mr. Frisbee      | Mr. Pierce       | Mr. J. Young        |
| Mr. Garretson    | Mr. Preston      |                     |

98

Those who voted in the negative are

|            |             |             |
|------------|-------------|-------------|
| Mr. Culver | Mr. Mann    | Mr. Oakley  |
| Mr. Fenn   | Mr. Moulton | Mr. Wheeler |
| Mr. Jarvis |             |             |

7

And those who were absent are

|                 |               |                     |
|-----------------|---------------|---------------------|
| Mr. Billings    | Mr. Dayton    | Mr. Morrison        |
| Mr. Blake       | Mr. De Puy    | Mr. Porter          |
| Mr. Bloss       | Mr. Hall      | Mr. Thompson        |
| Mr. Boughton    | Mr. Hannum    | Mr. Van Valkenburgh |
| Mr. Brower      | Mr. Howard    | Mr. Wells           |
| Mr. A. H. Buell | Mr. Jones     | Mr. Whitney         |
| Mr. T. Buel     | Mr. Mather    | Mr. Worden          |
| Mr. E. Crosby   | Mr. Mersereau |                     |

23

*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred with them in the said amendments, and amended the bill accordingly.

The engrossed bill from the Senate, entitled "An act for the relief of Josiah Barber," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill from the Senate, entitled "An act to amend an act entitled 'An act for the relief of partners and joint debtors,' passed April 18th, 1838," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill from the Senate, entitled "An act to authorise John Watts De Peyster to erect a dock adjoining his land on the Hudson river," was read the third time.

*Resolved*, That the bill do pass.

*Ordered*, That the Clerk return the said bills to the Senate, and inform them that the Assembly have passed the same severally without amendment.

The engrossed bill from the Senate, entitled "An act to incorporate Union Mutual Insurance Company," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 97 | } |
| { | NAYS   | 03 | } |
| { | ABSENT | 23 | } |

Those who voted in the affirmative are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Bachman     | Mr. Fonda      | Mr. Porter          |
| Mr. Bagg        | Mr. Frisbee    | Mr. Preston         |
| Mr. Barber      | Mr. Gifford    | Mr. Raymond         |
| Mr. Betts       | Mr. G. Goold   | Mr. Rice            |
| Mr. Bevins      | Mr. Gregory    | Mr. Rogers          |
| Mr. Billings    | Mr. Hammond    | Mr. Ross            |
| Mr. Blake       | Mr. Harden     | Mr. Russell         |
| Mr. Bloss       | Mr. Hazelton   | Mr. Sager           |
| Mr. Boughton    | Mr. Heermans   | Mr. Salisbury       |
| Mr. Bowen       | Mr. Hervey     | Mr. Searing         |
| Mr. J. Brooks   | Mr. Hine       | Mr. Sherman         |
| Mr. M. Brooks   | Mr. Howard     | Mr. Skelton         |
| Mr. L. H. Brown | Mr. Huntington | Mr. A. C. Smith     |
| Mr. S. A. Brown | Mr. Jarvis     | Mr. Speaker         |
| Mr. A. H. Buell | Mr. Johnson    | Mr. Spring          |
| Mr. Burdick     | Mr. Knapp      | Mr. J. Stevenson    |
| Mr. Bush        | Mr. D. Lee     | Mr. R. L. Stevenson |
| Mr. Casner      | Mr. T. R. Lee  | Mr. Sweeney         |
| Mr. Chase       | Mr. Litchfield | Mr. Thayer          |
| Mr. Coe         | Mr. M'Carthy   | Mr. Thompson        |



|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Collins      | Mr. M'Donald     | Mr. Tibbits         |
| Mr. Comstock     | Mr. M'Key        | Mr. Titus           |
| Mr. Constant     | Mr. M'Vean       | Mr. Tuthill         |
| Mr. C. F. Crosby | Mr. Mather       | Mr. Van Schoonhoven |
| Mr. Culver       | Mr. C. B. Miller | Mr. Walrath         |
| Mr. Danforth     | Mr. S. Miller    | Mr. Wheeler         |
| Mr. De Puy       | Mr. Morris       | Mr. White           |
| Mr. Dewey        | Mr. Morrison     | Mr. Wilcox          |
| Mr. Dickson      | Mr. Moulton      | Mr. Wyckoff         |
| Mr. Edwards      | Mr. Niven        | Mr. Wynant          |
| Mr. Fellows      | Mr. Oakley       | Mr. A. W. Young     |
| Mr. Fenn         | Mr. Pardee       | Mr. J. Young        |
| Mr. Field        | Mr. Pierce       |                     |

98

Those who voted in the negative are

|            |            |          |   |
|------------|------------|----------|---|
| Mr. Bailey | Mr. Brower | Mr. Hunt | 3 |
|------------|------------|----------|---|

And those who were absent are

|               |               |                     |    |
|---------------|---------------|---------------------|----|
| Mr. T. Buel   | Mr. Hall      | Mr. Newkirk         |    |
| Mr. Bunker    | Mr. Hannum    | Mr. Sears           |    |
| Mr. Cameron   | Mr. Harris    | Mr. W. Smith        |    |
| Mr. Carpenter | Mr. Horton    | Mr. Strobbridge     |    |
| Mr. Crain     | Mr. Jones     | Mr. Tefft           |    |
| Mr. E. Crosby | Mr. Kinne     | Mr. Van Valkenburgh |    |
| Mr. Dayton    | Mr. Long      | Mr. Wells           |    |
| Mr. Garretson | Mr. Mann      | Mr. Whitney         |    |
| Mr. D. Gould  | Mr. Mersereau | Mr. Worden          | 27 |

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The engrossed bill from the Senate, entitled "An act to incorporate the Provident Life Mutual Insurance Company of the city of New-York," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |     |   |
|---|--------|-----|---|
| { | AYES   | 104 | } |
|   | NAYS   | 02  |   |
|   | ABSENT | 22  |   |

Those who voted in the affirmative are

|             |             |             |
|-------------|-------------|-------------|
| Mr. Bachman | Mr. Hammond | Mr. Pierce  |
| Mr. Bagg    | Mr. Hannum  | Mr. Porter  |
| Mr. Barber  | Mr. Harden  | Mr. Preston |
| Mr. Beus    | Mr. Harris  | Mr. Raymond |

|                 |                  |                     |
|-----------------|------------------|---------------------|
| Mr. Bevens      | Mr. Hazelton     | Mr. Rice            |
| Mr. Billings    | Mr. Heermans     | Mr. Rogers          |
| Mr. Blake       | Mr. Hervey       | Mr. Ross            |
| Mr. Bloss       | Mr. Hine         | Mr. Russell         |
| Mr. Boughton    | Mr. Horton       | Mr. Sager           |
| Mr. Bowen       | Mr. Hunt         | Mr. Salisbury       |
| Mr. M. Brooks   | Mr. Jarvis       | Mr. Sears           |
| Mr. L. H. Brown | Mr. Johnson      | Mr. Sherman         |
| Mr. S. A. Brown | Mr. Jones        | Mr. A. C. Smith     |
| Mr. A. H. Buell | Mr. Kinne        | Mr. Speaker         |
| Mr. Burdick     | Mr. Knapp        | Mr. Spring          |
| Mr. Cameron     | Mr. D. Lee       | Mr. J. Stevenson    |
| Mr. Casner      | Mr. T. R. Lee    | Mr. R. L. Stevenson |
| Mr. Chase       | Mr. Litchfield   | Mr. Sweeney         |
| Mr. Coe         | Mr. Long         | Mr. Thayer          |
| Mr. Collins     | Mr. M'Carthy     | Mr. Thompson        |
| Mr. Comstock    | Mr. M'Donald     | Mr. Tibbits         |
| Mr. Constant    | Mr. M'Key        | Mr. Titus           |
| Mr. Culver      | Mr. M'Vean       | Mr. Tuthill         |
| Mr. Danforth    | Mr. Mann         | Mr. Van Schoonhoven |
| Mr. De Puy      | Mr. Mather       | Mr. Van Valkenburgh |
| Mr. Dewey       | Mr. Mersereau    | Mr. Walrath         |
| Mr. Dickson     | Mr. C. B. Miller | Mr. Wheeler         |
| Mr. Edwards     | Mr. S. Miller    | Mr. White           |
| Mr. Fellows     | Mr. Morris       | Mr. Whitney         |
| Mr. Fenn        | Mr. Morrison     | Mr. Worden          |
| Mr. Field       | Mr. Moulton      | Mr. Wyckoff         |
| Mr. Frisbee     | Mr. Newkirk      | Mr. Wynant          |
| Mr. Gifford     | Mr. Niven        | Mr. A. W. Young     |
| Mr. D. Gould    | Mr. Oakley       | Mr. J. Young        |
| Mr. G. Goold    | Mr. Pardee       |                     |

104

Those who voted in the negative are

Mr. Bailey                      Mr. Brower

2

And those who were absent are

|                  |                |                 |
|------------------|----------------|-----------------|
| Mr. J. Brooks    | Mr. Dayton     | Mr. Searing     |
| Mr. T. Buel      | Mr. Fonda      | Mr. Skelton     |
| Mr. Bunker       | Mr. Garretson  | Mr. W. Smith    |
| Mr. Bush         | Mr. Gregory    | Mr. Strobbridge |
| Mr. Carpenter    | Mr. Hall       | Mr. Tefft       |
| Mr. Crain        | Mr. Howard     | Mr. Wells       |
| Mr. C. F. Crosby | Mr. Huntington | Mr. Wilcox      |
| Mr. E. Crosby    |                |                 |

22

*Ordered,* That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The engrossed bill from the Senate, entitled "An act to provide for the construction of a railroad from the head of Seneca lake to the New-York and Erie railroad in the county of Chemung," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |
|---|--------|----|
| { | AYES   | 90 |
| { | NAYS   | 01 |
| { | ABSENT | 37 |

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Gifford      | Mr. Pardee          |
| Mr. Barber       | Mr. D. Gould     | Mr. Porter          |
| Mr. Betts        | Mr. Hammond      | Mr. Preston         |
| Mr. Bevens       | Mr. Hannum       | Mr. Raymond         |
| Mr. Blake        | Mr. Harden       | Mr. Rice            |
| Mr. Boughton     | Mr. Harris       | Mr. Rogers          |
| Mr. Bowen        | Mr. Hazelton     | Mr. Ross            |
| Mr. M. Brooks    | Mr. Hervey       | Mr. Sager           |
| Mr. L. H. Brown  | Mr. Hine         | Mr. Salisbury       |
| Mr. S. A. Brown  | Mr. Howard       | Mr. Searing         |
| Mr. Bunker       | Mr. Hunt         | Mr. Sherman         |
| Mr. Burdick      | Mr. Jarvis       | Mr. Skelton         |
| Mr. Carpenter    | Mr. Johnson      | Mr. A. C. Smith     |
| Mr. Casner       | Mr. Kinne        | Mr. Spring          |
| Mr. Chase        | Mr. Knapp        | Mr. Sweeney         |
| Mr. Coe          | Mr. T. R. Lee    | Mr. Tefft           |
| Mr. Collins      | Mr. Litchfield   | Mr. Thayer          |
| Mr. Comstock     | Mr. Jong         | Mr. Thompson        |
| Mr. Constant     | Mr. M'Carthy     | Mr. Tibbits         |
| Mr. Crain        | Mr. M'Donald     | Mr. Titus           |
| Mr. C. F. Crosby | Mr. M'Key        | Mr. Tuthill         |
| Mr. Culver       | Mr. M'Vean       | Mr. Van Schoonhoven |
| Mr. Danforth     | Mr. Mann         | Mr. Walrath         |
| Mr. De Puy       | Mr. Mersereau    | Mr. Wheeler         |
| Mr. Dewey        | Mr. C. B. Miller | Mr. White           |
| Mr. Dickson      | Mr. Morris       | Mr. Whitney         |
| Mr. Edwards      | Mr. Morrison     | Mr. Wyckoff         |
| Mr. Fellows      | Mr. Moulton      | Mr. Wynant          |
| Mr. Field        | Mr. Niven        | Mr. A. W. Young     |
| Mr. Garretson    | Mr. Oakley       | Mr. J. Young        |

90

For the negative,

Mr. Fenn

1

And those who were absent are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Bagg        | Mr. Frisbee    | Mr. Pierce          |
| Mr. Bailey      | Mr. G. Goold   | Mr. Russell         |
| Mr. Billings    | Mr. Gregory    | Mr. Sears           |
| Mr. Bloss       | Mr. Hall       | Mr. W. Smith        |
| Mr. J. Brooks   | Mr. Heermans   | Mr. Speaker         |
| Mr. Brower      | Mr. Horton     | Mr. J. Stevenson    |
| Mr. A. H. Buell | Mr. Huntington | Mr. R. L. Stevenson |
| Mr. T. Buel     | Mr. Jones      | Mr. Strobbridge     |
| Mr. Bush        | Mr. D. Lee     | Mr. Van Valkenburgh |
| Mr. Cameron     | Mr. Mather     | Mr. Wells           |
| Mr. E. Crosby   | Mr. S. Miller  | Mr. Wilcox          |
| Mr. Dayton      | Mr. Newkirk    | Mr. Worden          |
| • Mr. Fonda     |                |                     |

37

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

By unanimous consent,

Mr. C. F. Crosby offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That this House proceed, at half past one o'clock, to ballot for two members of a committee to examine the Treasurer's accounts.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

On motion of Mr. Harris,

*Ordered*, That the bill from the Senate, entitled "An act relative to the Utica and Schenectady Railroad Company ;" and the bill from the Senate, entitled "An act relative to the Syracuse and Utica Railroad Company," do have their third reading.

Thereupon,

The engrossed bill from the Senate, entitled "An act relative to the Syracuse and Utica Railroad Company," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 91 | } |
| { | NAYS   | 00 | } |
| { | ABSENT | 37 | } |

Those who voted in the affirmative are

|              |              |             |
|--------------|--------------|-------------|
| Mr. Bachman  | Mr. Gregory  | Mr. Pierce  |
| Mr. Bailey   | Mr. Hammond  | Mr. Porter  |
| Mr. Barber   | Mr. Hannum   | Mr. Preston |
| Mr. Betts    | Mr. Harden   | Mr. Raymond |
| Mr. Billings | Mr. Harris   | Mr. Rice    |
| Mr. Blake    | Mr. Hazelton | Mr. Rogers  |



|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Boughton     | Mr. Hervey       | Mr. Ross            |
| Mr. Bowen        | Mr. Hine         | Mr. Russell         |
| Mr. M. Brooks    | Mr. Horton       | Mr. Sager           |
| Mr. L. H. Brown  | Mr. Hunt         | Mr. Salisbury       |
| Mr. Bunker       | Mr. Jarvis       | Mr. Searing         |
| Mr. Burdick      | Mr. Johnson      | Mr. Sears           |
| Mr. Cameron      | Mr. Kinne        | Mr. Sherman         |
| Mr. Carpenter    | Mr. Knapp        | Mr. Skelton         |
| Mr. Chase        | Mr. T. R. Lee    | Mr. Spring          |
| Mr. Coe          | Mr. Litchfield   | Mr. Sweeney         |
| Mr. Collins      | Mr. Long         | Mr. Tefft           |
| Mr. Comstock     | Mr. M'Carthy     | Mr. Thayer          |
| Mr. Constant     | Mr. M'Donald     | Mr. Tibbits         |
| Mr. C. F. Crosby | Mr. M'Key        | Mr. Titus           |
| Mr. Culver       | Mr. M'Vean       | Mr. Tutthill        |
| Mr. Danforth     | Mr. Mann         | Mr. Van Schoonhoven |
| Mr. Dickson      | Mr. Mersereau    | Mr. Walrath         |
| Mr. Edwards      | Mr. C. B. Miller | Mr. Wheeler         |
| Mr. Fellows      | Mr. S. Miller    | Mr. White           |
| Mr. Field        | Mr. Morris       | Mr. Whitney         |
| Mr. Frisbee      | Mr. Morrison     | Mr. Wyckoff         |
| Mr. Garretson    | Mr. Moulton      | Mr. Wynant          |
| Mr. Gifford      | Mr. Niven        | Mr. A. W. Young     |
| Mr. D. Gould     | Mr. Pardee       | Mr. J. Young        |
| Mr. G. Goold     |                  |                     |

91

And those who were absent are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Bagg        | Mr. De Puy     | Mr. Oakley          |
| Mr. Bevens      | Mr. Dewey      | Mr. A. C. Smith     |
| Mr. Bloss       | Mr. Fenn       | Mr. W. Smith        |
| Mr. J. Brooks   | Mr. Fonda      | Mr. Speaker         |
| Mr. Brower      | Mr. Hall       | Mr. J. Stevenson    |
| Mr. S. A. Brown | Mr. Heermans   | Mr. R. L. Stevenson |
| Mr. A. H. Buell | Mr. Howard     | Mr. Strobbridge     |
| Mr. T. Buel     | Mr. Huntington | Mr. Thompson        |
| Mr. Bush        | Mr. Jones      | Mr. Van Valkenburgh |
| Mr. Casner      | Mr. D. Lee     | Mr. Wells           |
| Mr. Crain       | Mr. Mather     | Mr. Wilcox          |
| Mr. E. Crosby   | Mr. Newkirk    | Mr. Worden          |
| Mr. Dayton      |                |                     |

37

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The engrossed bill from the Senate, entitled "An act relative to the Utica and Schenectady Railroad Company," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |
|---|--------|----|
| { | AYES   | 95 |
|   | NAYS   | 00 |
|   | ABSENT | 33 |

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bachman      | Mr. Hammond      | Mr. Raymond         |
| Mr. Barber       | Mr. Hannum       | Mr. Rice            |
| Mr. Betts        | Mr. Harden       | Mr. Rogers          |
| Mr. Blake        | Mr. Harris       | Mr. Ross            |
| Mr. Bloss        | Mr. Heermans     | Mr. Russell         |
| Mr. Boughton     | Mr. Hervey       | Mr. Sager           |
| Mr. M. Brooks    | Mr. Hine         | Mr. Salisbury       |
| Mr. L. H. Brown  | Mr. Horton       | Mr. Searing         |
| Mr. S. A. Brown  | Mr. Hunt         | Mr. Sherman         |
| Mr. Bunker       | Mr. Jarvis       | Mr. Skelton         |
| Mr. Cameron      | Mr. Johnson      | Mr. A. C. Smith     |
| Mr. Carpenter    | Mr. Kinne        | Mr. Speaker         |
| Mr. Chase        | Mr. Knapp        | Mr. Spring          |
| Mr. Coc          | Mr. T. R. Lee    | Mr. R. L. Stevenson |
| Mr. Collins      | Mr. Litchfield   | Mr. Sweeney         |
| Mr. Comstock     | Mr. Long         | Mr. Tefft           |
| Mr. Constant     | Mr. M'Carthy     | Mr. Thayer          |
| Mr. C. F. Crosby | Mr. M'Donald     | Mr. Tibbits         |
| Mr. Culver       | Mr. M'Key        | Mr. Titus           |
| Mr. Danforth     | Mr. M'Vean       | Mr. Tuthill         |
| Mr. Dewey        | Mr. Mann         | Mr. Van Schoonhoven |
| Mr. Dickson      | Mr. C. B. Miller | Mr. Van Valkenburgh |
| Mr. Edwards      | Mr. S. Miller    | Mr. Walrath         |
| Mr. Fellows      | Mr. Morris       | Mr. Wheeler         |
| Mr. Field        | Mr. Morrison     | Mr. White           |
| Mr. Fonda        | Mr. Moulton      | Mr. Wilcox          |
| Mr. Frisbee      | Mr. Niven        | Mr. Worden          |
| Mr. Garretson    | Mr. Oakley       | Mr. Wyckoff         |
| Mr. Gifford      | Mr. Pardee       | Mr. Wynant          |
| Mr. D. Gould     | Mr. Pierce       | Mr. A. W. Young     |
| Mr. G. Gould     | Mr. Porter       | Mr. J. Young        |
| Mr. Gregory      | Mr. Preston      |                     |

95

And those who were absent are

|                 |                |                  |
|-----------------|----------------|------------------|
| Mr. Bagg        | Mr. Casner     | Mr. D. Lee       |
| Mr. Bailey      | Mr. Crain      | Mr. Mather       |
| Mr. Bevens      | Mr. E. Crosby  | Mr. Mersereau    |
| Mr. Billings    | Mr. Dayton     | Mr. Newkirk      |
| Mr. Bowen       | Mr. De Puy     | Mr. Sears        |
| Mr. J. Brooks   | Mr. Fenn       | Mr. W. Smith     |
| Mr. Brower      | Mr. Hall       | Mr. J. Stevenson |
| Mr. A. H. Buell | Mr. Hazelton   | Mr. Strobbridge  |
| Mr. T. Buel     | Mr. Howard     | Mr. Thompson     |
| Mr. Burdick     | Mr. Huntington | Mr. Wells        |
| Mr. Bush        | Mr. Jones      | Mr. Whitney      |

33

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The engrossed bill from the Senate, entitled "An act authorising the appointment of a supreme court commissioner to reside in the county of Washington, and for other purposes," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill from the Senate, entitled "An act authorising the appointment of a supreme court commissioner to reside in the town of Worcester in the county of Otsego," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill from the Senate, entitled "An act to authorise Archibald Russel to erect a dock or wharf in the Hudson river in the town of Esopus, adjoining his lands," was read the third time.

*Resolved*, That the bill do pass.

The engrossed bill from the Senate, entitled "An act to incorporate Ausable and Saranac Plank or Macadamized Road and Internal Improvement Company," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 99 | } |
| { | NAYS   | 00 | } |
| { | ABSENT | 29 | } |

Those who voted in the affirmative are

|                 |               |                     |
|-----------------|---------------|---------------------|
| Mr. Bachman     | Mr. Garretson | Mr. Raymond         |
| Mr. Bagg        | Mr. Gifford   | Mr. Rice            |
| Mr. Barber      | Mr. D. Gould  | Mr. Rogers          |
| Mr. Betts       | Mr. Gregory   | Mr. Ross            |
| Mr. Bevins      | Mr. Hammond   | Mr. Russell         |
| Mr. Blake       | Mr. Hannum    | Mr. Sager           |
| Mr. Bloss       | Mr. Harris    | Mr. Salisbury       |
| Mr. Boughton    | Mr. Hazelton  | Mr. Scaring         |
| Mr. J. Brooks   | Mr. Hervey    | Mr. Sears           |
| Mr. M. Brooks   | Mr. Hine      | Mr. Sherman         |
| Mr. L. H. Brown | Mr. Hunt      | Mr. Skelton         |
| Mr. S. A. Brown | Mr. Jarvis    | Mr. A. C. Smith     |
| Mr. A. H. Buell | Mr. Johnson   | Mr. Speaker         |
| Mr. Bunker      | Mr. Kinne     | Mr. Spring          |
| Mr. Burdick     | Mr. Knapp     | Mr. J. Stevenson    |
| Mr. Cameron     | Mr. D. Lee    | Mr. R. L. Stevenson |
| Mr. Carpenter   | Mr. Long      | Mr. Sweeney         |
| Mr. Casner      | Mr. M'Carthy  | Mr. Tefft           |
| Mr. Chase       | Mr. M'Donald  | Mr. Thayer          |
| Mr. Coe         | Mr. M'Key     | Mr. Tibbits         |
| Mr. Collins     | Mr. M'Vean    | Mr. Titus           |
| Mr. Comstock    | Mr. Mann      | Mr. Tuthill         |

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Constant     | Mr. Mersereau    | Mr. Van Schoonhoven |
| Mr. C. F. Crosby | Mr. C. B. Miller | Mr. Van Valkenburgh |
| Mr. Culver       | Mr. S. Miller    | Mr. Walrath         |
| Mr. Danforth     | Mr. Morris       | Mr. Wheeler         |
| Mr. De Puy       | Mr. Morrison     | Mr. White           |
| Mr. Dickson      | Mr. Moulton      | Mr. Wilcox          |
| Mr. Edwards      | Mr. Niven        | Mr. Worden          |
| Mr. Fellows      | Mr. Pardee       | Mr. Wyckoff         |
| Mr. Field        | Mr. Pierce       | Mr. Wynant          |
| Mr. Fonda        | Mr. Porter       | Mr. A. W. Young     |
| Mr. Frisbee      | Mr. Preston      | Mr. J. Young 99     |

And those who were absent are

|               |                |                 |
|---------------|----------------|-----------------|
| Mr. Bailey    | Mr. Fenn       | Mr. Litchfield  |
| Mr. Billings  | Mr. G. Goold   | Mr. Mather      |
| Mr. Bowen     | Mr. Hall       | Mr. Newkirk     |
| Mr. Brower    | Mr. Harden     | Mr. Oakley      |
| Mr. T. Buel   | Mr. Heermans   | Mr. W. Smith    |
| Mr. Bush      | Mr. Horton     | Mr. Strobbridge |
| Mr. Crain     | Mr. Howard     | Mr. Thompson    |
| Mr. E. Crosby | Mr. Huntington | Mr. Wells       |
| Mr. Dayton    | Mr. Jones      | Mr. Whitney     |
| Mr. Dewey     | Mr. T. R. Lee  | 29              |

*Ordered*, That the Clerk return the said bills to the Senate, and inform them that the Assembly have passed the same severally without amendment.

A message from the Senate, with the bills therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act to amend an act entitled 'An act relating to the New-York and Harlem Railroad Company,' passed May 7th, 1840;" the bill entitled "An act to amend an act incorporating the Goshen and Albany Railroad Company, passed April 12th, 1842;" the bill entitled "An act to provide for the construction of a railroad from the village of Canandaigua in the county of Ontario, to the village of Corning in the county of Steuben;" the bill entitled "An act in relation to the construction of the New-York and Erie railroad;" the bill entitled "An act to revive the charter of the Watertown and Rome Railroad Company;" the bill entitled "An act in relation to the temporary relief of the poor in the county of Livingston, and such other counties as may adopt the provisions of this act;" the bill entitled "An act to revive an act to provide for the construction of a railroad from Watertown in the county of Jefferson, to Cape Vincent, passed May 10th, 1836;" the bill entitled "An act to provide for the construction of a railroad from Attica to Hornellsville;" the bill entitled "An act relative to the State Prison at Mountpleasant;" the bill entitled "An act to amend an act entitled "An act to incorporate the Mutual Insurance Company of Buffalo;" the bill entitled "An act to incorporate the Troy and Greenbush Railroad Association;" and the bill entitled "An act to enable the receiver of



taxes in the city of New-York, and the comptroller of the said city, to collect the taxes remaining unpaid," severally without amendment.

*Ordered*, That the Clerk deliver the said bills to the Governor.

The following bills were returned from the Senate, to wit :

"An act to incorporate the Farmers' Mutual Insurance Company of Erie county ;"

"An act to provide for the opening and improving roads through the Onondaga Indian reservation ;"

"An act for the relief of James D. Sparkman and Samuel Cox ;"

"An act for the relief of Michael Quarters ;"

"An act to amend an act entitled 'An act to enable the dispensaries of the city of New-York to extend their benefits,' passed April 21st, 1841 ;"

"An act to provide for the construction of a railroad from the navigable waters of the great western lakes, to Lake Champlain ;"

"An act to change the name of Charles Jones to Charles Jones Baxter ;"

"An act concerning the district attorney in the county of Ulster ;"

"An act to incorporate the Roman Catholic Orphan Asylum Society of the city of Rochester ;"

"An act for the relief of John Sanford and William Eggleston ;"

"An act for the relief of Anthony S. Badgley and Andrew Bigham ;"

"An act to incorporate the trustees for the management and care of the fund for the support of the Episcopate of the Diocese of New-York ;"

"An act to enlarge the act entitled 'An act relative to common schools for the city of Brooklyn,' passed March 23d, 1843 ;"

"An act for the relief of Asa T. Smith ;"

"An act to amend the Revised Statutes, in reference to documentary evidence ;"

"An act for the relief of Homer Caswell ;"

"An act to divide the town of Ellenburgh ;"

"An act to provide for the appointment of a police justice in the village of Saratoga-Springs ;"

"An act to amend the act entitled 'An act to incorporate the village of Fredonia,' passed 1829."

"An act for the laying out a highway along the Chenango canal, from the Cherryvalley turnpike to the Oriskany falls ;"

"An act to authorise certain individuals in the town of Edinburgh, Saratoga county, to loan money ;"

"An act for the collection of taxes in the city of Albany ;"

"An act concerning the district attorney of the county of Niagara ;"

"An act for the relief of Orrin Tyler and others ;"

"An act to amend and renew an act to provide for the construction of a railroad from Oswego to Syracuse,' passed April 29th, 1839 ;"

"An act relating to excise, and to licensing retailers of intoxicating liquors ;"

"An act to discontinue Eleventh-street in the city of New-York, between Broadway and the Bowery ;" and

"An act authorising Simeon Westfall to establish and continue a ferry across the Delaware river."

*Ordered*, That the Clerk deliver the said bills to the Governor.

A copy of a resolution of the Senate was received and read, in the words following, to wit :

*Resolved*, (if the Assembly concur,) That the tenth joint rule of the Senate and Assembly be so far suspended, as to permit the following bills to be sent by the Senate to the Assembly for concurrence, to wit :

The bill entitled "An act to perfect amendments to the Constitution, in relation to the removal of judicial officers, and the property qualification for office ;" the bill entitled "An act to provide for the construction of a railroad from the head of Seneca lake to the New-York and Erie railroad in the county of Chemung," and the bill entitled "An act to authorise the construction of a railroad from New-York to Albany."

Whereupon,

*Resolved*, That the Assembly do concur with the Senate in their said resolution.

*Ordered*, That the Clerk return the said resolution to the Senate, and inform them that the Assembly have concurred in the same.

The engrossed bill from the Senate, entitled "An act to incorporate the Rochester Gaslight Company," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |   |
|---|--------|----|---|
| { | AYES   | 92 | } |
| { | NAYS   | 02 | } |
| { | ABSENT | 34 | } |

Those who voted in the affirmative are

|                 |               |                     |
|-----------------|---------------|---------------------|
| Mr. Bachman     | Mr. Garretson | Mr. Preston         |
| Mr. Barber      | Mr. Gifford   | Mr. Raymond         |
| Mr. Betts       | Mr. D. Gould  | Mr. Rice            |
| Mr. Bevens      | Mr. G. Goold  | Mr. Rogers          |
| Mr. Billings    | Mr. Gregory   | Mr. Russell         |
| Mr. Bloss       | Mr. Hammond   | Mr. Sager           |
| Mr. Boughton    | Mr. Hannum    | Mr. Salisbury       |
| Mr. M. Brooks   | Mr. Harden    | Mr. Sears           |
| Mr. S. A. Brown | Mr. Harris    | Mr. Sherman         |
| Mr. Bunker      | Mr. Hazelton  | Mr. Skelton         |
| Mr. Burdick     | Mr. Hervey    | Mr. A. C. Smith     |
| Mr. Bush        | Mr. Hine      | Mr. Spring          |
| Mr. Cameron     | Mr. Hunt      | Mr. J. Stevenson    |
| Mr. Casner      | Mr. Jarvis    | Mr. R. L. Stevenson |
| Mr. Chase       | Mr. Kinne     | Mr. Strobbridge     |
| Mr. Coe         | Mr. Knapp     | Mr. Tefft           |
| Mr. Collins     | Mr. D. Lee    | Mr. Thayer          |
| Mr. Comstock    | Mr. M'Donald  | Mr. Tibbits         |
| Mr. Constant    | Mr. M'Key     | Mr. Titus           |
| Mr. Crain       | Mr. M'Vean    | Mr. Tuthill         |

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. C. F. Crosby | Mr. Mann         | Mr. Van Schoonhoven |
| Mr. Culver       | Mr. C. B. Miller | Mr. Van Valkenburgh |
| Mr. Danforth     | Mr. S. Miller    | Mr. Walrath         |
| Mr. De Puy       | Mr. Morris       | Mr. Wheeler         |
| Mr. Dewey        | Mr. Morrison     | Mr. White           |
| Mr. Dickson      | Mr. Newkirk      | Mr. Wilcox          |
| Mr. Edwards      | Mr. Niven        | Mr. Wyckoff         |
| Mr. Fellows      | Mr. Oakley       | Mr. Wynant          |
| Mr. Fenn         | Mr. Pardee       | Mr. A. W. Young     |
| Mr. Field        | Mr. Pierce       | Mr. J. Young        |
| Mr. Frisbee      | Mr. Porter       |                     |

92

Those who voted in the negative are

|          |           |   |
|----------|-----------|---|
| Mr. Bagg | Mr. Fonda | 2 |
|----------|-----------|---|

And those who were absent are

|                 |                |               |
|-----------------|----------------|---------------|
| Mr. Bailey      | Mr. Heermans   | Mr. Mersereau |
| Mr. Blake       | Mr. Horton     | Mr. Moulton   |
| Mr. Bowen       | Mr. Howard     | Mr. Ross      |
| Mr. J. Brooks   | Mr. Huntington | Mr. Searing   |
| Mr. Brower      | Mr. Johnson    | Mr. W. Smith  |
| Mr. L. H. Brown | Mr. Jones      | Mr. Speaker   |
| Mr. A. H. Buell | Mr. T. R. Lee  | Mr. Sweeney   |
| Mr. T. Buel     | Mr. Litchfield | Mr. Thompson  |
| Mr. Carpenter   | Mr. Long       | Mr. Wells     |
| Mr. E. Crosby   | Mr. M'Carthy   | Mr. Whitney   |
| Mr. Dayton      | Mr. Mather     | Mr. Worden    |
| Mr. Hall        |                |               |

34

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
*Albany, May 14, 1845.* }

TO THE ASSEMBLY.

I have this day approved and signed the following bills :

"An act to discontinue Eleventh-street in the city of New-York, between Broadway and the Bowery."

"An act in relation to the support of the poor in the county of Wayne."

"An act relating to excise, and to licensing retailers of intoxicating liquors."

"An act authorising Simeon Westfall to establish and continue a ferry across the Delaware river."

"An act concerning the Congregational Society in the town of Spencer."

"An act to incorporate the Port Byron and Savannah Turnpike Road and Bridge Company."

"An act to incorporate the Ronkonkama Lake Ice Company."

"An act to amend and renew an act to provide for the construction of a railroad from Oswego to Syracuse,' passed April 29th, 1839."

"An act for the relief of John Sanford and William Eggleston."

"An act for the relief of Anthony S Badgley and Andrew Bigham."

"An act to amend an act entitled 'An act to enable the dispensaries of the city of New-York to extend their benefits,' passed April 21st, 1841."

"An act for the relief of Michael Quarters."

"An act for the relief of James D. Sparkman, William Leycraft and Samuel Cox."

"An act to provide for the opening and improving roads through the Onondaga Indian reservation."

"An act to enable the receiver of taxes in the city of New-York, and the comptroller of the said city, to collect the taxes remaining unpaid."

"An act to incorporate the trustees for the management and care of the fund for the support of the Episcopate of the Diocese of New-York."

"An act to enlarge the act entitled 'An act relative to common schools for the city of Brooklyn,' passed March 23d, 1843."

"An act to change the name of Charles Jones to Charles Jones Baxter."

"An act for the relief of Asa T. Smith."

"An act relating to documentary evidence."

"An act for the relief of Homer Caswell."

"An act to divide the town of Ellenburgh."

"An act for the laying out a highway along the Chenango canal, from the Cherryvalley turnpike to the Oriskany falls."

"An act to amend an act entitled 'An act to incorporate the Mutual Insurance Company of Buffalo.'"

"An act to amend the act entitled 'An act to incorporate the village of Fredonia,' passed 1829."

"An act concerning the district attorney of the county of Niagara."

"An act to authorise certain individuals in the town of Edinburgh, Saratoga county, to loan money."

"An act for the relief of Orrin Tyler and others."

"An act to provide for the appointment of a police justice in the village of Saratoga-Springs."

"An act in relation to the construction of the New-York and Erie railroad."

"An act to incorporate the Troy and Greenbush Railroad Association."

"An act to provide for the construction of a railroad from the navigable waters of the great western lakes, to Lake Champlain."

"An act to amend an act incorporating the Goshen and Albany Railroad Company, passed April 12th, 1842."

"An act for the collection of taxes in the city of Albany."

"An act to provide for the construction of a railroad from the village of Canandaigua in the county of Ontario, to the village of Corning in the county of Steuben."



"An act to amend an act entitled 'An act relating to the New-York and Harlem Railroad Company,' passed May 7th, 1840."

"An act concerning the district attorney in the county of Ulster."

"An act to incorporate the Roman Catholic Orphan Asylum Society of the city of Rochester."

"An act to revive an act to provide for the construction of a railroad from Watertown in the county of Jefferson, to Cape Vincent, passed May 16th, 1836."

"An act to incorporate the Farmers' Mutual Insurance Company of Erie county."

"An act in relation to the temporary relief of the poor in the county of Livingston, and such other counties as may adopt the provisions of this act."

"An act relative to the State Prison at Mountpleasant."

"An act to provide for the construction of a railroad from Attica to Hornellsville."

"An act to revive the charter of the Watertown and Rome Railroad Company."

SILAS WRIGHT.

The hour of half past one o'clock having arrived, the House, agreeably to resolution, proceeded to choose by ballot two members of the committee to examine the accounts of the State officers, Mr. Chase and Mr. Harris acting as tellers.

The ballots having been taken and counted, it appeared that 117 votes had been cast, to wit : For Mr. Coe, fifty one ; Mr. M. Brooks, twenty-five ; Mr. Russell, eleven ; Mr. Bevens, twenty-three ; Mr. D. Lee, fifty-six ; Mr. Carpenter, eleven ; Mr. Skelton, twenty-four ; Mr. Sears, twenty-five ; Mr. C. B. Miller, one ; Mr. Bloss, four ; and Mr. Wheeler, one.

The result having been declared by the tellers, it appeared that no choice was had.

The House proceeded to ballot a second time, and the ballots having been taken and counted, it appeared that 114 votes had been cast, to wit : For Mr. Coe, fifty-five ; Mr. D. Lee, fifty-one ; Mr. M. Brooks, twenty-five ; Mr. Bevens, twenty-one ; Mr. Sears, thirty-one ; Mr. Carpenter, five ; Mr. Russell, nine ; Mr. Skelton, twenty-one ; Mr. Wheeler, two ; and Mr. Fonda, one.

The result having been declared by the tellers, it appeared that no choice was had.

The House proceeded to ballot a third time, and the ballots having been taken and counted, it appeared that 99 votes had been cast, to wit : For Mr. Coe, fifty-five ; Mr. Sears, sixty-seven ; Mr. D. Lee, forty-four ; Mr. Skelton, twenty-five ; Mr. Bevens, one ; and Mr. Carpenter, one.

The result having been declared by the tellers, it appeared that Mr. Sears and Mr. Coe were chosen.

Thereupon, on motion of Mr. Russell,

*Resolved*, That Stephen G. Sears and Nathaniel Coe be, and they are hereby duly appointed the committee on the part of the Assembly,

to examine the accounts and vouchers of the Treasurer, Canal Commissioners and Commissioners of the Canal Fund, and the books and papers in the banking department of the Comptroller's office.

*Ordered*, That the Clerk transmit a copy of the preceding resolution to the Senate.

Mr. Carpenter, from the committee on engrossed bills, reported, that the committee had examined the bill entitled "An act to provide for the payment of certain expenses of government," and found the same correctly engrossed.

*Ordered*, That the said bill do have its third reading.

The said engrossed bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act for the relief of Calvin T. Chamberlain," with the accompanying amendments.

The said amendments having been read,

*Resolved*, That the Assembly do concur with the Senate in their said amendments.

*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred with them in the said amendments, and amended the bill accordingly.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act to improve the militia of this State," with the accompanying amendments.

The said amendments having been read,

Mr. Oakley moved that the House concur therein.

Mr. Fenn called for the previous question.

Mr. Speaker put the question whether the House would second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Whereupon,

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Oakley, and it was determined in the affirmative.

*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred in the said amendments, and amended the bill accordingly.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bill therewith delivered, entitled "An act to perfect amendments to the Constitution, in relation to the removal of judicial officers, and the property qualification for office."

The said bill was then read the first time, and by unanimous consent was also read a second time, and ordered to have its third reading.

The said bill from the Senate was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative.

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act in relation to courts in the city and county of Albany, having criminal jurisdiction," with the accompanying amendments.

The said amendments having been read,

*Resolved*, That the Assembly do concur with the Senate in their said amendments.

*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred in the said amendments, and amended the bill accordingly.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act for the relief of John Watkins," with the accompanying amendments.

The said amendments having been read,

*Resolved*, That the Assembly do concur with the Senate in their amendments to the said bill.

*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred in the said amendments, and amended the bill accordingly.

A message from the Senate, with the bills therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act for the preservation of carp in the Hudson river;" the bill entitled "An act to incorporate the Urbana Woolen Manufacturing Company;" the bill entitled "An act to provide for the reconstruction of the locks on the Crookedlake canal;" the bill entitled "An act to incorporate the New-York and Richmond Steam Ferry Company;" the bill entitled "An act for the relief of Isaac I. Yates and Joseph Y. Vanderbogart;" the bill entitled "An act for the relief of Amos W. Scriven;" the bill entitled "An act relative to insane persons in the county of Kings;" the bill entitled "An act to authorise the appropriation of a portion of the towing path of the abandoned canal in the town of Glen in the county of Montgomery, to the purposes of a public highway;" and the bill entitled "An act to amend an act in relation to highways in the counties of Hamilton, Herkimer and Fulton," severally without amendment.

*Ordered*, That the Clerk deliver the said bills to the Governor.

A message from the Senate, with the bills therein mentioned, was received and read, informing that the Senate had passed the bill entitled "An act for the relief of Daniel Conyne;" the bill entitled "An act for the relief of Aaron Barnes and John E. Hinman;" and the bill entitled "An act to provide for the appointment of an additional number of commissioners of deeds in and for the city and county of New-York," severally without amendment.

*Ordered*, That the Clerk deliver the said bills to the Governor.

A message from the Senate, with the bills therein mentioned, was received and read, informing that the Senate had rejected the bill entitled "An act for the relief of Patrick Cooney," and the bill entitled "An act to incorporate the Rochester and Warwarsing Railroad Company."

A message from the Senate was received and read, informing that

they had passed the bill therewith returned, entitled "An act to amend an act entitled 'An act for the relief of William Dunn,' passed April 17th, 1844," with the accompanying amendments.

The said amendments having been read,

Mr. Speaker put the question whether the House would concur with the Senate in their amendments to the said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |    |
|---|--------|----|
| { | AYES   | 88 |
|   | NAYS   | 00 |
|   | ABSENT | 40 |

Those who voted in the affirmative are

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Bagg         | Mr. Harris       | Mr. Preston         |
| Mr. Betts        | Mr. Hazelton     | Mr. Raymond         |
| Mr. Revens       | Mr. Heermans     | Mr. Rogers          |
| Mr. Blake        | Mr. Hervey       | Mr. Russell         |
| Mr. Bloss        | Mr. Hine         | Mr. Sager           |
| Mr. M. Brooks    | Mr. Horton       | Mr. Salisbury       |
| Mr. A. H. Buell  | Mr. Howard       | Mr. Searing         |
| Mr. Bunker       | Mr. Hunt         | Mr. Sears           |
| Mr. Burdick      | Mr. Huntington   | Mr. Sherman         |
| Mr. Bush         | Mr. Jarvis       | Mr. Skelton         |
| Mr. Carpenter    | Mr. Johnson      | Mr. A. C. Smith     |
| Mr. Chase        | Mr. Kinne        | Mr. Spring          |
| Mr. Coe          | Mr. D. Lee       | Mr. R. L. Stevenson |
| Mr. Collins      | Mr. T. R. Lee    | Mr. Strobbridge     |
| Mr. Constock     | Mr. Litchfield   | Mr. Sweeney         |
| Mr. Constant     | Mr. Long         | Mr. Tefft           |
| Mr. Crain        | Mr. M'Carthy     | Mr. Thayer          |
| Mr. C. F. Crosby | Mr. M'Donald     | Mr. Thompson        |
| Mr. Culver       | Mr. M'Key        | Mr. Tibbits         |
| Mr. Danforth     | Mr. M'Vean       | Mr. Titus           |
| Mr. Dickson      | Mr. Mann         | Mr. Tathill         |
| Mr. Fellows      | Mr. C. B. Miller | Mr. Van Valkenburgh |
| Mr. Fenn         | Mr. Morrison     | Mr. Walrath         |
| Mr. Field        | Mr. Moulton      | Mr. Wheeler         |
| Mr. Fonda        | Mr. Newkirk      | Mr. White           |
| Mr. Garretson    | Mr. Niven        | Mr. Wyckoff         |
| Mr. Gifford      | Mr. Oakley       | Mr. Wynant          |
| Mr. G. Goold     | Mr. Pardee       | Mr. A. W. Young     |
| Mr. Gregory      | Mr. Porter       | Mr. J. Young        |
| Mr. Harden       |                  |                     |

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And those who were absent are

|             |            |               |
|-------------|------------|---------------|
| Mr. Bachman | Mr. Dayton | Mr. S. Miller |
| Mr. Bailey  | Mr. De Puy | Mr. Morris    |



|                 |               |                     |
|-----------------|---------------|---------------------|
| Mr. Barber      | Mr. Dewey     | Mr. Pierce          |
| Mr. Billings    | Mr. Edwards   | Mr. Rice            |
| Mr. Boughton    | Mr. Frisbee   | Mr. Ross            |
| Mr. Bowen       | Mr. D. Gould  | Mr. W. Smith        |
| Mr. J. Brooks   | Mr. Hall      | Mr. Speaker         |
| Mr. Brower      | Mr. Hammond   | Mr. J. Stevenson    |
| Mr. L. H. Brown | Mr. Hannum    | Mr. Van Schoonhoven |
| Mr. S. A. Brown | Mr. Jones     | Mr. Wells           |
| Mr. T. Buel     | Mr. Knapp     | Mr. Whitney         |
| Mr. Cameron     | Mr. Mather    | Mr. Wilcox          |
| Mr. Casner      | Mr. Mersereau | Mr. Worden          |
| Mr. E. Crosby   |               |                     |

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*Ordered,* That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred with them in the said amendments, and amended the bill accordingly.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act to amend an act entitled 'An act to incorporate the village of Lockport,'" with the accompanying amendments.

The said amendments having been read,

Mr. Speaker put the question whether the House would concur with the Senate in their amendments to the said bill, and it was determined in the affirmative, two thirds of all the members elected to the Assembly voting in favor thereof, as follows, to wit :

|   |        |     |   |
|---|--------|-----|---|
| { | AYES   | 103 | } |
| { | NAYS   | 00  | } |
| { | ABSENT | 25  | } |

Those who voted in the affirmative are

|                 |                |                     |
|-----------------|----------------|---------------------|
| Mr. Bagg        | Mr. Hammond    | Mr. Preston         |
| Mr. Bevens      | Mr. Hannum     | Mr. Raymond         |
| Mr. Billings    | Mr. Harden     | Mr. Rice            |
| Mr. Blake       | Mr. Harris     | Mr. Rogers          |
| Mr. Bloss       | Mr. Heermans   | Mr. Russell         |
| Mr. Boughton    | Mr. Hervey     | Mr. Sager           |
| Mr. J. Brooks   | Mr. Hine       | Mr. Salisbury       |
| Mr. M. Brooks   | Mr. Horton     | Mr. Searing         |
| Mr. L. H. Brown | Mr. Howard     | Mr. Sears           |
| Mr. A. H. Buell | Mr. Hunt       | Mr. Sherman         |
| Mr. Bunker      | Mr. Huntington | Mr. Skelton         |
| Mr. Burdick     | Mr. Jarvis     | Mr. A. C. Smith     |
| Mr. Bush        | Mr. Johnson    | Mr. W. Smith        |
| Mr. Cameron     | Mr. Kinne      | Mr. Spring          |
| Mr. Carpenter   | Mr. Knapp      | Mr. J. Stevenson    |
| Mr. Casner      | Mr. D. Lee     | Mr. R. L. Stevenson |
| Mr. Chase       | Mr. T. R. Lee  | Mr. Strobbridge     |
| Mr. Coc         | Mr. Litchfield | Mr. Sweeney         |

|                  |                  |                     |
|------------------|------------------|---------------------|
| Mr. Collins      | Mr. Long         | Mr. Tefft           |
| Mr. Comstock     | Mr. M'Carthy     | Mr. Thayer          |
| Mr. Constant     | Mr. M'Donald     | Mr. Thompson        |
| Mr. Crain        | Mr. M'Key        | Mr. Tibbits         |
| Mr. C. F. Crosby | Mr. M'Vean       | Mr. Titus           |
| Mr. Culver       | Mr. Mann         | Mr. Tuthill         |
| Mr. Danforth     | Mr. C. B. Miller | Mr. Van Schoonhoven |
| Mr. Dewey        | Mr. Morris       | Mr. Van Valkenburgh |
| Mr. Fellows      | Mr. Morrison     | Mr. Walrath         |
| Mr. Fenn         | Mr. Moulton      | Mr. Wheeler         |
| Mr. Field        | Mr. Newkirk      | Mr. White           |
| Mr. Fonda        | Mr. Niven        | Mr. Whitney         |
| Mr. Frisbee      | Mr. Oakley       | Mr. Worden          |
| Mr. Garretson    | Mr. Pardee       | Mr. Wyckoff         |
| Mr. Gifford      | Mr. Pierce       | Mr. Wynant          |
| Mr. G. Gould     | Mr. Porter       | Mr. J. Young        |
| Mr. Gregory      |                  |                     |

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And those who were absent are

|                 |              |                 |
|-----------------|--------------|-----------------|
| Mr. Bachman     | Mr. Dayton   | Mr. Mather      |
| Mr. Bailey      | Mr. De Puy   | Mr. Mersereau   |
| Mr. Barber      | Mr. Dickson  | Mr. S. Miller   |
| Mr. Belts       | Mr. Edwards  | Mr. Ross        |
| Mr. Bowen       | Mr. D. Gould | Mr. Speaker     |
| Mr. Brower      | Mr. Hall     | Mr. Wells       |
| Mr. S. A. Brown | Mr. Hazelton | Mr. Wilcox      |
| Mr. T. Buel     | Mr. Jones    | Mr. A. W. Young |
| Mr. E. Crosby   |              |                 |

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*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred in the said amendments, and amended the bill accordingly.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bill therewith delivered, entitled "An act to authorise the construction of a railroad from New-York to Albany."

Mr. M. Brooks moved to lay the said bill on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. M. Brooks, and it was determined in the affirmative.

The following bills were returned from the Senate, to wit :

The bill entitled "An act to extend for a limited period the charter of the Commercial Bank of Albany, and to amend the same ;" the bill entitled "An act relative to the city of Brooklyn ;" the bill entitled "An act to improve the militia of this State ;" the bill entitled "An act for the relief of Calvin T. Chamberlain ;" the bill entitled "An act to amend an act entitled 'An act for the relief of William Dunn,' passed April 17th, 1844 ;" the bill entitled "An act to extend for a limited period the charter of the Bank of Rochester," and the bill entitled "An act to amend an act entitled 'An act to incorporate the village of Bath in the county of Steuben.'"

*Ordered*, That the Clerk deliver the said bills to the Governor.

By unanimous consent,

Mr. Bailey offered for the consideration of the House a resolution, in the words following, to wit :

*Resolved*, That the Clerk of this House forward immediately to the county clerks of the several counties of this State, the extra numbers of the veto message from the Governor, for the use of the members, officers and deputy clerks of the House, in the same manner that the session laws are forwarded ; and that the expense be defrayed out of the contingent fund of the house.

Mr. Bevens moved to amend the said resolution, by striking out the words " and that the expense be defrayed out of the contingent fund of the house."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Bevens, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

A message from the Senate was received and read, informing that they had passed the bill therewith returned, entitled "An act to provide for the payment of certain expenses of government," with the accompanying amendments.

The said bill and amendments were read ; and the amendments having been again read,

*Resolved*, That the Assembly do concur with the Senate in their amendments to the said bill.

*Ordered*, That the Clerk return the said bill and amendments to the Senate, and inform them that the Assembly have concurred in the said amendments, and amended the bill accordingly.

A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
Albany, May 14, 1845. }

TO THE ASSEMBLY.

I have this day approved and signed the following bills :

"An act to provide for the reconstruction of the locks on the Crooked-lake canal "

"An act to extend for a limited period the charter of the Commercial Bank of Albany, and to amend the same."

"An act to extend for a limited period the charter of the Bank of Rochester."

"An act to amend an act entitled 'An act to incorporate the village of Bath in the county of Steuben.'"

"An act for the relief of Amos W. Scriven."

"An act for the relief of Aaron Barnes and John E. Hinman."

"An act relative to insane persons in the county of Kings."

"An act to authorise the appropriation of a portion of the towing path of the abandoned canal in the town of Glen in the county of Montgomery, to the purposes of a public highway."

"An act to amend an act in relation to highways in the counties of Hamilton, Herkimer and Fulton."

"An act for the relief of Isaac I. Yates and Joseph Y. Vanderbogart."

"An act for the relief of Daniel Conyne."

"An act relative to the city of Brooklyn."

An act to incorporate the New-York and Richmond Steam Ferry Company."

"An act to incorporate the Urbana Woolen Manufacturing Company."

"An act for the preservation of carp in the Hudson river."

"An act to amend an act entitled 'An act for the relief of the heirs of William Dunn,' passed April 17th, 1844."

"An act for the relief of Calvin T. Chamberlain."

SILAS WRIGHT.

The bill entitled "An act to provide for the payment of certain expenses of government," was returned from the Senate.

*Ordered*, That the Clerk deliver the said bill to the Governor.

On motion of Mr. T. R. Lee,

*Resolved*, That a committee be appointed to wait upon the Governor, and inform him that unless he has further business to lay before the Legislature, this House is ready to adjourn.

The Chair appointed Mr. T. R. Lee and Mr. Worden to be the said committee.

On motion of Mr. Niven,

*Resolved*, That a committee of two be appointed to wait upon the Senate, and inform them that this House is ready to adjourn.

The Chair appointed Mr. Niven and Mr. Wheeler to be the said committee.

A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
Albany, May 14, 1845. }

TO THE ASSEMBLY.

I have this day approved and signed the bill entitled "An act to provide for the payment of certain expenses of government."

SILAS WRIGHT.

Mr. Niven, from the committee appointed to wait upon the Senate, and inform them that the Assembly were ready to adjourn, reported, that the committee had discharged that duty.

A message from the Senate, delivered by Mr. Bartow and Mr. Bac-  
kus, was received, informing that the Senate were ready to adjourn.

Mr. T. R. Lee, from the committee appointed to wait upon the Governor, and inform him that unless he had further business to lay before the Legislature, the Assembly were ready to adjourn, reported, that the committee had waited upon the Governor, and that his Excel-  
lency had been pleased to say that he had no further communications to make to the Legislature.

On motion of Mr. Worden,

*Resolved unanimously*, That the thanks of this House be, and they are hereby tendered to the Honorable the Speaker, for the fair, dignified and impartial manner he has presided over its deliberations during the session now about to be terminated.



The minutes of the day were then read and approved ; after which, the Speaker addressed the House as follows, to wit :

GENTLEMEN,

For the gratifying expressions of kindness and approbation contained in the resolution adopted by you, I return you my heartfelt acknowledgments. If I have been able to discharge the duties of this station in a manner acceptable to you, I am conscious it has been owing in a great degree to the courtesy with which I have ever been treated by every member of the House. If, in the performance of my duties, errors have been committed, or if decisions may at times have appeared harsh or unjust towards any member, I trust they will be attributed to the circumstances under which the duties of the chair are discharged, and that they will occasion no doubt of that consideration and regard which I entertain for every member of the Assembly.

The session which is now terminated, has been rendered interesting by the importance of the subjects which have engaged our attention. Measures affecting the numerous and varied interests of our great State have elicited much discussion. Among the most prominent of them, have been the different propositions for amending our Constitution, and the bill recommending a Convention to revise that instrument. It is gratifying, that notwithstanding the great interest of these measures, and the earnest and protracted debates they have occasioned, and although these discussions have followed so closely upon an excited political contest, yet they have been conducted with that courtesy which should ever characterize the representatives of the people. Whatever differences of opinion may have existed among us with regard to them, we can all unite in the hope that they may prove beneficial to that constituency which we have honestly endeavored to serve.

The period has now arrived when our association as members of this house must terminate. Some may meet occasionally or accidentally hereafter : with most, this is a final separation. But, gentlemen, I can assure you that the kindness which I have always experienced from each member of this house will ever be held in grateful remembrance by me. I shall always cherish the fervent hope that all of you may enjoy, both here and hereafter, all the blessings which a beneficent God can bestow upon you.

I bid you, gentlemen, an affectionate farewell.

The Speaker then adjourned the House *sine die*.

JAMES R. ROSE, Clerk.

# HOUSE OF ASSEMBLY FOR 1845.

1403

| NAMES OF MEMBERS.        | REPRESENTING WHAT COUNTY. | PLACE OF BIRTH.    |                 |                    | AGE. | CONDITION IN LIFE. | PROFESSION OR OCCUPATION. | From what foreign kingdom or country their ancestors came. |               | WEIGHT. |
|--------------------------|---------------------------|--------------------|-----------------|--------------------|------|--------------------|---------------------------|--|---------------|---------|
|                          |                           | STATE.             | COUNTY.         | CITY OR TOWN.      |      |                    |                           | FATERNAL.  | MATERNAL.     |         |
| Leonard Litchfield.....  | Albany.....               | New-York.....      | Greene.....     | New-Baltimore..... | 52   | Married.....       | Farmer.....               | England.....   | England.....  | 163     |
| Ira Harris.....          | do.....                   | do.....            | Montgomery..... | Charleston.....    | 42   | do.....            | Law.....                  | do.....  | Scotland..... | 180     |
| Clarkson F. Crosby.....  | do.....                   | do.....            | New-York.....   | New-York.....      | 27   | do.....            | Agriculture.....          | Holland.....   | England.....  | 136     |
| T. G. Collins.....       | Allegany.....             | do.....            | Ontario.....    | Geneva.....        | 36   | do.....            | Lawyer.....               | England.....   | do.....       | 165     |
| Nathaniel Coe.....       | do.....                   | New-Jersey.....    | Morris.....     | Randolph.....      | 56   | do.....            | Farmer.....               | do.....  | do.....       | 163     |
| Cyrus Johnson.....       | do.....                   | Connecticut.....   | Chatham.....    | Chatham.....       | 57   | do.....            | do.....                   | do.....  | do.....       | 161     |
| John Pierce, 2d.....     | Cortland.....             | Massachusetts..... | Franklin.....   | Colrain.....       | 56   | Widower.....       | do.....                   | do.....  | do.....       | 180     |
| George J. J. Barber..... | New-York.....             | do.....            | Cortland.....   | Homer.....         | 32   | Married.....       | Mechanic.....             | do.....  | do.....       | 116     |
| Samuel A. Brown.....     | Connecticut.....          | do.....            | Tolland.....    | Hebron.....        | 50   | do.....            | Lawyer.....               | do.....  | do.....       | 158     |
| Henry C. Frisbee.....    | New-York.....             | do.....            | Essex.....      | Jay.....           | 44   | do.....            | Printer.....              | do.....  | do.....       | 149     |
| Jeremiah Mann.....       | do.....                   | do.....            | Saratoga.....   | Milton.....        | 44   | do.....            | Farmer.....               | do.....  | do.....       | 190     |
| Solomon S. Hall.....     | Chenango.....             | do.....            | Chenango.....   | Smyna.....         | 38   | do.....            | do.....                   | do.....  | do.....       | 170     |
| Joel Burdick.....        | do.....                   | do.....            | Madison.....    | Oxford.....        | 40   | do.....            | do.....                   | do.....  | do.....       | 180     |
| Peter McKee.....         | do.....                   | do.....            | Delaware.....   | Cazenovia.....     | 40   | do.....            | do.....                   | do.....  | Scotland..... | 180     |
| N. P. Gregory.....       | Clinton.....              | do.....            | Lincoln.....    | Delhi.....         | 40   | do.....            | do.....                   | do.....  | France.....   | 140     |
| Roderick White.....      | Cattaraugus.....          | Maine.....         | Erie.....       | Camden.....        | 42   | do.....            | Manufacturer.....         | England.....   | Scotland..... | 168     |
| Seth Field.....          | do.....                   | New-York.....      | Franklin.....   | Concord.....       | 37   | do.....            | Lawyer.....               | Ireland.....   | do.....       | 160     |
| William M. Bunker.....   | Columbia.....             | Massachusetts..... | Dutchess.....   | Leverett.....      | 47   | do.....            | Farmer.....               | England.....   | do.....       | 160     |
| Elijah Bagg.....         | do.....                   | Massachusetts..... | Berkshire.....  | Clinton.....       | 47   | do.....            | do.....                   | do.....  | do.....       | 190     |
| Peter L. Bradman.....    | do.....                   | New-York.....      | Columbia.....   | Pittsfield.....    | 48   | do.....            | Mechanic.....             | Hol. and.....  | Germany.....  | 161     |
| Leonard Scaring.....     | Cayuga.....               | do.....            | Ontario.....    | Taghtank.....      | 35   | do.....            | Farmer.....               | England.....   | England.....  | 175     |
| William Titus.....       | do.....                   | do.....            | Queens.....     | N Hempstead.....   | 42   | do.....            | do.....                   | do.....  | do.....       | 200     |
| Epenetus Garrettsen..... | Dutchess.....             | do.....            | Cayuga.....     | Sempronius.....    | 42   | do.....            | Merchant.....             | do.....  | do.....       | 164     |
| Epenetus Crosby.....     | do.....                   | Maryland.....      | Somerset.....   | Quantico.....      | 52   | do.....            | Farmer.....               | Holland.....   | do.....       | 188     |
| Walter Sherman.....      | do.....                   | New-York.....      | Fulton.....     | Patterson.....     | 53   | do.....            | Merchant.....             | England.....   | do.....       | 180     |
| Linus Porter.....        | do.....                   | do.....            | Dutchess.....   | Fawlings.....      | 38   | do.....            | Farmer.....               | do.....  | do.....       | 195     |
| John McDonald.....       | Delaware.....             | do.....            | Delaware.....   | Meredith.....      | 35   | do.....            | Mechanic.....             | do.....  | do.....       | 140     |
| John T. Bush.....        | do.....                   | do.....            | do.....         | Kortright.....     | 30   | do.....            | Farmer.....               | do.....  | do.....       | 140     |
| Daniel Lee.....          | Erie.....                 | do.....            | Washington..... | Fort Ann.....      | 33   | Unmarried.....     | do.....                   | Scotland.....  | Scotland..... | 166     |
| Truman Dewey.....        | do.....                   | do.....            | Saratoga.....   | Corinth.....       | 59   | Married.....       | do.....                   | Holland.....   | England.....  | 127     |
| John C. Hammond.....     | do.....                   | Massachusetts..... | Berkshire.....  | Lenox.....         | 59   | do.....            | do.....                   | Wales.....   | Ireland.....  | 143     |
| Hiram Horton.....        | Franklin.....             | Vermont.....       | Rutland.....    | Pittsford.....     | 39   | do.....            | Merchant.....             | do.....  | England.....  | 168     |
| G. A. Newkirk.....       | Fulton.....               | do.....            | do.....         | Brandon.....       | 45   | do.....            | Miller.....               | England.....   | Ireland.....  | 165     |
| Aaron Long.....          | Genesee.....              | New-York.....      | Montgomery..... | Florida.....       | 39   | do.....            | Farmer.....               | Holland.....   | Holland.....  | 180     |
| Chester Hannum.....      | do.....                   | Massachusetts..... | Franklin.....   | Shelburn.....      | 48   | do.....            | Physician.....            | Ireland.....   | Scotland..... | 154     |
| D. B. Harvey.....        | Greene.....               | New-York.....      | Hampshire.....  | Belchertown.....   | 50   | do.....            | Farmer.....               | Scotland.....  | Wales.....    | 167     |
|                          |                           |                    | Dutchess.....   | Northeast.....     | 56   | do.....            | do.....                   | England.....   | England.....  | 178     |

## HOUSE OF ASSEMBLY FOR 1845—(CONTINUED.)

| NAMES OF MEMBERS.               | REPRESENTING WHAT COUNTY. | PLACE OF BIRTH.    |                   |                     | AGE. | CONDITION IN LIFE. | PROFESSION OR OCCUPATION. | From what foreign kingdom or country their ancestors came. |               | WEIGHT. |
|---------------------------------|---------------------------|--------------------|-------------------|---------------------|------|--------------------|---------------------------|--|---------------|---------|
|                                 |                           | STATE.             | COUNTY.           | CITY OR TOWN.       |      |                    |                           | PATERNAL.  | MATERNAL.     |         |
| G. W. Sager.....                | Greene.....               | New-York.....      | Albany.....       | Bethlehem.....      | 52   | Married.....       | Farmer.....               | Holland.....   | Holland.....  | 150     |
| Alexander H. Buell.....         | Herkimer.....             | do.....            | Herkimer.....     | Fairfield.....      | 46   | do.....            | Merchant.....             | England.....   | Wales.....    | 167     |
| William C. Cran.....            | do.....                   | do.....            | do.....           | Warren.....         | 42   | do.....            | Farmer.....               | do.....  | England.....  | 219     |
| Lysander H. Brown.....          | Jefferson.....            | do.....            | Jefferson.....    | Brownville.....     | 35   | do.....            | Lawyer.....               | do.....  | do.....       | 140     |
| A. W. Danforth.....             | do.....                   | Vermont.....       | Windsor.....      | Hartland.....       | 51   | do.....            | Farmer.....               | do.....  | do.....       | 160     |
| E. S. Salisbury.....            | do.....                   | New-York.....      | Jefferson.....    | Western.....        | 35   | do.....            | do.....                   | do.....  | do.....       | 176     |
| Richard L. W. Cokett.....       | Kings.....                | do.....            | Kings.....        | Brooklyn.....       | 33   | do.....            | Merchant.....             | Holland.....   | England.....  | 153     |
| Daniel D. Winant.....           | do.....                   | do.....            | Herkimer.....     | Columbia.....       | 33   | do.....            | Mechanic.....             | do.....  | do.....       | 144     |
| John Young.....                 | Livingston.....           | Vermont.....       | Orange.....       | Chelsea.....        | 40   | do.....            | Lawyer.....               | do.....  | Ireland.....  | 141     |
| H. W. Wells.....                | do.....                   | Massachusetts..... | Franklin.....     | Leyden.....         | 35   | do.....            | Physician.....            | England.....   | England.....  | 155     |
| D. S. Howard.....               | do.....                   | N. Hampshire.....  | Chesterfield..... | .....               | 39   | do.....            | Mechanic.....             | do.....  | Ireland.....  | 168     |
| John I. Walrath.....            | Madison.....              | New-York.....      | Montgomery.....   | Minden.....         | 55   | do.....            | Farmer.....               | Germany.....   | Germany.....  | 144     |
| William Smith.....              | do.....                   | do.....            | Westchester.....  | North Salem.....    | 62   | do.....            | do.....                   | do.....  | England.....  | 144     |
| S. G. Sears.....                | do.....                   | do.....            | Putnam.....       | Southeast.....      | 46   | do.....            | do.....                   | do.....  | do.....       | 182     |
| William G. Bloss.....           | Monroe.....               | Massachusetts..... | Berkshire.....    | W. Stockbridge..... | 50   | do.....            | Gentleman.....            | Scotland.....  | Scotland..... | 176     |
| John McVeay.....                | do.....                   | Scotland.....      | Perthshire.....   | Kilin Parish.....   | 45   | do.....            | Farmer.....               | France.....  | Germany.....  | 170     |
| Isaac T. Raymond.....           | do.....                   | New-York.....      | Delaware.....     | Walton.....         | 39   | do.....            | do.....                   | Ireland.....   | England.....  | 135     |
| John Sweney.....                | Niagara.....              | do.....            | Putnam.....       | Carmel.....         | 58   | do.....            | do.....                   | England.....   | do.....       | 130     |
| L. F. Bowen.....                | do.....                   | do.....            | Cortland.....     | Homer.....          | 36   | do.....            | Lawyer.....               | do.....  | Holland.....  | 180     |
| P. H. Fonda.....                | do.....                   | do.....            | Montgomery.....   | Molauk.....         | 40   | do.....            | Farmer.....               | do.....  | do.....       | 168     |
| John L. Bevens.....             | do.....                   | do.....            | Schoharie.....    | Sharon.....         | 47   | do.....            | do.....                   | Wales.....   | do.....       | 205     |
| Roderick N. Morrison.....       | do.....                   | do.....            | Oneida.....       | Westmoreland.....   | 45   | do.....            | Lawyer.....               | Scotland.....  | England.....  | 186     |
| John Culver.....                | New-York.....             | New Jersey.....    | Sussex.....       | .....               | 62   | do.....            | Cartman.....              | do.....  | do.....       | 200     |
| Seyern D. Moulton.....          | do.....                   | New-York.....      | Oneida.....       | Floyd.....          | 37   | do.....            | Grocer.....               | do.....  | Holland.....  | 163     |
| Abraham G. Thompson, Jr.....    | do.....                   | do.....            | Long Island.....  | Huntington.....     | 70   | Single.....        | Physician.....            | do.....  | do.....       | 148     |
| James Jarvis.....               | do.....                   | do.....            | Windham.....      | Graton.....         | 29   | Married.....       | Merchant.....             | do.....  | France.....   | 155     |
| David E. Wheeler.....           | do.....                   | Vermont.....       | Norfolk.....      | Wrentham.....       | 41   | do.....            | Lawyer.....               | do.....  | England.....  | 227     |
| Eli C. Blake.....               | do.....                   | Massachusetts..... | Albany.....       | Albany.....         | 23   | do.....            | Mechanic.....             | do.....  | do.....       | 180     |
| Jacob L. Penn.....              | do.....                   | New-York.....      | Ulster.....       | Huiley.....         | 29   | Single.....        | Editor.....               | France.....  | Germany.....  | 135     |
| John J. R. De Puy.....          | do.....                   | do.....            | New-York.....     | New York.....       | 23   | Married.....       | Merchant.....             | England.....   | do.....       | 140     |
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|------------------------|---------------------------|-----------------|---------------|----------------|------|--------------------|---------------------------|---|--------------|---------|
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| Editors,.....       | 2     |
| Miller,.....        | 2     |
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| Grocer,.....        | 1     |
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| Scotland,.....      | 1     |
| Maine,.....         | 1     |
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The youngest is Mr. De Puy, of New-York, aged 23 years.

The heaviest member is Mr. Wheeler, of New-York, who weighs 227 pounds.

The lightest is Mr. Barber of Cortland, who weighs 116 pounds.



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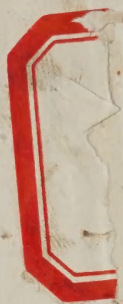
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